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ABSTRACT

The first article, "The Cost of English Acquisition Programs: Arizona Department of Education English Acquisition Cost Study" contains excerpts from a study (Phases 1 and 4) conducted for the Arizona Department of Education on the costs of various English-acquisition programs. Six successful but varied English-acquisition programs for immigrant children are highlighted. A more in-depth analysis of a seventh program (Nogales Unified School District) confirms the effectiveness of English-immersion teaching in a community where 90 percent of the population speaks Spanish. The publication also includes the following: "Testing English Language Learners for School Accountability: A Report Prepared for San Francisco Unified School District et al. v. State Board of Education et al." (Susan E. Phillips); "All That Glitters Is Not Gold: The Limits of the Department of Education's English Learner Achievement Data" (Christine H. Rossell); "Seven Successful Bilingual Schools in Texas" (John R. Correiro); and "Meeting the Needs of Students with Limited English Proficiency: A Critique of GAO's Report" (Jim Littlejohn). (Papers contain references.) (SM)

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READ Perspectives, 2001

Rosalie Pedalino Porter, Editor

Volume 8, Fall 2001

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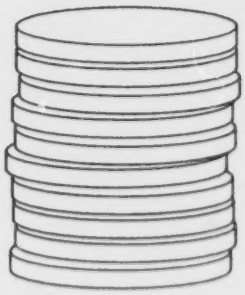
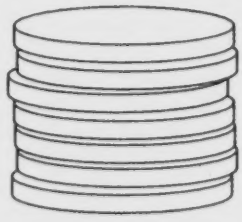
The Cost of English Acquisition Programs



Arizona Department of Education English Acquisition Cost Study



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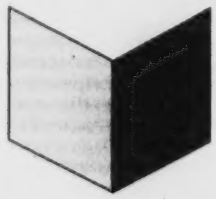
Jim Littlejohn Critiques GAO



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READ PERSPECTIVES

A publication of the READ Institute

EDITOR
Rosalie Pedalino Porter, Ed.D.

ACADEMIC REVIEW PANEL
Ralph E. Beals, Ph.D.
Professor of Economics
Amherst College

Kevin Clark
Clark Consulting Group
Stockton, Calif.

Jim Littlejohn
Former Program Director
Office for Civil Rights
U.S. Department of Education

Robert E. Rossier, Ph.D.
Educational Consultant
Los Angeles, Calif.

Sandra Stotsky, Ed.D.
Deputy Commissioner
Massachusetts Department
of Education

Carol Whitten
Former Director
Office of Bilingual Education and
Minority Languages Affairs
U.S. Department of Education

READ Institute Staff
Linda Chavez, Litt.D. (Honor), President
David Gersten, Vice-President

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Introduction

READ Perspectives presents two major areas of focus in the current issue: varieties of English Acquisition programs and their costs, as published in a study prepared for the Arizona Department of Education, and a trio of reports on accountability for the academic progress of English Language Learners (ELLs), formerly designated Limited-English Proficient (LEP) students. Volume VIII concludes with a review of a survey on the monitoring of school districts with bilingual programs by the Office for Civil Rights, U. S. Department of Education.

Arizona Department of Education English Acquisition Program Cost Study

In February 2001, the Arizona Department of Education awarded a joint contract to the READ Institute and Sjoberg Eveshenk Consulting, LLC, to complete a study in four parts by May. Although the time allotted was very short, the full report covering the following areas was presented to the Department on time:

Phase I—Program descriptions of six English Immersion models identified as successful in educating English Language Learners in U.S. schools and an analysis of the costs of each.

Phase II—A comprehensive cost study of all resources spent and funds designated for providing educational services to LEP students in Arizona schools, during the 1999-2000 school year, and a projection of the amount of funding that could be available for English Acquisition programs in fiscal year 2002.

Phase III—The costs and description of a model bilingual program in Arizona, in the Creighton elementary district.

Phase IV—A detailed study of the program elements and cost components that address the unique needs of English Language Learners in the Nogales, Arizona, Unified School District.

Phases I and IV are reprinted in full in this volume; the other segments are available from the CEO/READ web site (www.ceousa.org).

The six districts identified in Phase I as having successful programs include the Bethlehem Area School District (Pennsylvania), Glendale High School and Thunderbird High School, Glendale (Arizona), Houston

Independent School District RITE Program (Texas), Phoenix Advantage Charter School (Arizona), and Seattle Public Schools' Bilingual Orientation Program (Washington). The terms "English Immersion" and "English Acquisition" are used interchangeably in this publication. By either title, it is a program in which children are taught the English language from the first day of school, as well as being taught school subjects in English through a modified curriculum, with the expectation that students will master second language skills and make a rapid transition to mainstream classrooms.

Cost studies of programs for bilingual students are not only rare but mostly inaccurate. The crucial lessons to be learned from this unique study of English-teaching programs and their costs may be summarized as follows:

- The study dispels the notion that there are no English Immersion programs in operation and that hardly anyone knows how to implement such a model.

- It provides models for distinctly different approaches useful in large or small districts, with children from one or many different native language backgrounds, and for children arriving at different grade levels from primary school to senior high school.

- The range of costs varies from no special cost for the Advantage Charter School model to a high of $3,000 per student per year for the Seattle Orientation School.

Phase IV, the study of the Nogales Unified School District, presents an unusual case—a school district with 6,500 students, 80 percent of whom start school with a limited knowledge of English and 78 percent of whom are from families of poverty. Nogales sits on the U.S.-Mexican border, yet 90 percent of its students are native-born U.S. citizens. In this mainly Spanish-speaking community, researchers found a strong preference for English Immersion teaching, the exact opposite of researchers' expectations.

Although the report did not set out to compare achievement levels across different programs, this is the main finding that emerged from the study: Elementary schools with English Immersion teaching produced higher student test scores and tested a much higher percentage of their LEP students than schools using bilingual education methods. In fact, in the schools with English Immersion programs, 100 percent of the students took the statewide tests each year. The longer the English teaching program was in place, the higher the achievement scores of students on the reading, language, and math tests in English, a finding that is clearly documented in the individual school profiles.

San Francisco Unified School District et al. v. State Board of Education et al.

California, the state with almost half (43 percent) of the students classified as English Language Learners in the country, is also the place where four school districts resisted the state law requiring testing of all students annually. The four districts came to settle their dispute with the state just days before a full court trial was due to begin on November 6, 2000. Perhaps the arguments on the side of the benefits of testing academic progress of English Language Learners outweighed the resistance to accountability for bilingual students and may have swayed the districts to settle.

In April 1998, the California Department of Education, Superintendent of Public Instruction, and State Board of Education filed suit against the San Francisco Unified School District since the district refused to administer the statewide tests to English Language Learners who had been in its schools less than 30 months unless a parent or teacher requested otherwise. State law required all students in grades 2-11 to participate in the annual exams, unless excused by written request of their parents. By June 1998, San Francisco Unified School District was joined by Oakland, Berkeley, and Hayward Unified School Districts in a countersuit against the state education agencies.

Complainants and Defendants prepared for a court trial, with experts on both sides presenting arguments. As an expert witness on behalf of the California State Board of Education in this case, and as a long-time advocate of greater accountability for the academic progress of English Language Learners, I confess my partiality for universal application of tests. The crux of the matter is whether the State of California could require all students—including those who may have entered school without a sufficient knowledge of English to do regular class work in English—to participate in the new accountability program, Standardized Testing and Reporting (STAR). In the words of the STAR program guidelines, "It is the intent of the Legislature in enacting this chapter to provide a system of individual assessment of pupils that has, as its primary purpose, assisting pupils, their parents, and teachers to identify individual academic strengths and weaknesses, in order to improve teaching and learning." (Phillips, 3) [California Education Code Section 60602(a)]

California makes allowances for students new to the state, or to a particular school district, whether they are limited-English or not. Any student who was not enrolled in a school district before June 30 of the previous year must take the state tests, but the test scores are not counted except as baseline information. After a full year in a district, the state accountability system begins to chart individual student progress and rates of improvement by schools and districts. There are new funds to help schools that are

deemed to be "under-performing" and rewards for individual teachers and districts that exceed expectations, but these extra infusions of state help cannot be apportioned without test scores that reflect the performance of all the students. Without uniform measurements, bilingual children's achievement would not be charted and their needs would be neglected.

San Francisco and the other three districts reached a settlement with the State of California that henceforth all English Language Learner students enrolled in California public schools in grades 2-11 shall take the achievement tests under the STAR system. The settlement of this case in favor of the state's right to assess the learning of all students is a major advance in the effort to include bilingual children fully in the education system, with all its rights, privileges, and responsibilities. Open, public reporting of student achievement, year after year, leads to making schools, administrators, teachers, and parents accountable for students' learning and identifies areas where improvements are necessary.

Of all the expert witness declarations, we have chosen to reprint the report prepared by Dr. Susan E. Phillips, an independent psychometric and assessment law consultant and former Michigan State University professor. Her report on behalf of the California State Board of Education provides a clear analysis of all the arguments and counterarguments, leading to her professional opinion that English Language Learners benefit from inclusion in the STAR program. Dr. Phillips's 11 tables and 92 charts accompanying her report are available from the READ office on request. A copy of the final settlement in the case is also reprinted.

All That Glitters Is Not Gold: The Limits of the Department of Education's English Learner Achievement Data

Professor Christine Rossell contributes this review of a research study published in December 2000 alleging that in at least the 63 bilingual schools sampled, the achievement of Hispanic students "appears to be at least as strong, if not better, than in schools providing a program overwhelmingly in English.... Bilingual education has not been a barrier to academic achievement in English, as measured by the SAT-9, and may have helped." (Gold, p. 5) Such results, if correctly reported, would seem to contradict the published reports of the last three years that districts providing English Immersion teaching actually have shown greater gains in test scores for LEP students than those districts continuing their Spanish-language bilingual programs.

Rossell draws a painstaking portrait of the defects in the data collection by the California Department of Education that impose real limitations on the ability of researchers to draw conclusions. The statewide testing pro-

gram in California has many admirable features, but the gaps in data collection for English Language Learner students are of serious proportions. It is difficult, if not almost impossible, to compare the test scores of students in bilingual education to those in all-English instruction in the same school because the test scores are not broken down by program or ethnicity. The percentage of students tested varies greatly from school to school, while it is often the case that testing rates are much higher for all-English programs than for bilingual programs. There are many other problems that emerge in the analysis of the Gold study. Rossell concludes that the data themselves have serious limitations and one must be cautious in drawing conclusions from them." (Rossell, 14)

Seven Successful Bilingual Schools in Texas

A new contributor to *READ Perspectives*, Dr. John Correiro of Brown University, reviews the study released by the Texas Education Agency in August 2000, *Texas Successful Schools Study: Quality Education for Limited English Proficient Students*. A collaborative project of the Texas Education Agency, the Charles A. Dana Center at the University of Texas at Austin, and Texas A & M University—Corpus Christi, the study identifies seven elementary schools reporting higher than average academic performance. Each school enrolls a student body that has 40 percent or more LEP students, of whom 50 percent or more are from economically disadvantaged families. The study covers the school years between 1994-95 and 1998-99. High testing rates are recorded, with the unusual achievement in 1996-97 that all students participated in the Texas Assessment of Academic Skills (TAAS).

In recent years the successful schools literature has begun to take account of the achievements of schools enrolling large numbers of minority students from economically disadvantaged families, as in the *READ Perspectives* review of the "No Excuses Campaign" (Rossier). There are valuable, practical lessons for school districts across the country in the descriptive materials provided in the Texas study. Based on extensive interviews with teachers, administrators, and parents, surveys, site visits to classrooms, and analyses of test scores, the study provides a detailed description of the programs, instructional practices, and school characteristics that resulted in the implementation of high standards and high expectations for these children. The complete study is available on request from the READ Institute office.

Critique of GAO Report: Meeting the Needs of Students With Limited English Proficiency

Once again the U. S. General Accounting Office (GAO) has set itself the task of surveying the field of education for language minority children, principally English Language Learners in U.S. public Schools. The last

such study by the GAO, *Limited English Proficiency: A Growing and Costly Educational Challenge Facing Many School Districts,* appeared in January 1994 and was reviewed by me in the Spring 1995 issue of *READ Perspectives.* It was my opinion at that time that the GAO did not fully answer the questions set out in the "challenge." The current review by Jim Littlejohn of the new study again finds the GAO falling short of its goal.

Three questions are investigated but not satisfactorily answered:

1. How long do LEP children need to become proficient in English?
2. What instructional approaches are used and how long do LEP students remain in language assistance programs?
3. What requirements does the Office for Civil Rights (OCR) expect school districts to meet, how are they set forth, and what is the nature of the interactions between OCR and the districts?

When it was first published in February 2001, the report appeared to clear the OCR of any charges of heavy-handedness in pressuring school districts to implement native language instruction programs, a complaint heard among educators for a dozen years. *Education Week* immediately proclaimed the exoneration, "OCR Seen as Unbiased on Bilingual Ed. Issue." (Wright, 3) Littlejohn, himself a former OCR administrator, cuts through the bureaucratic language of the report to provide a cogent analysis of its serious shortcomings, especially in the whitewash of OCR. We welcome Mr. Littlejohn to the pages of *READ Perspectives.*

—Rosalie Pedalino Porter, Ed.D., Editor

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The Cost of English Acquisition Programs

Arizona Department of Education
English Acquisition Cost Study

Phase I
The Costs of English Immersion in Six Model Programs

Executive Summary

In February 2001, the Arizona Department of Education (ADE) contracted with two groups for a cost study of six English Immersion programs. During the five weeks of this phase of the study, one contractor, the Research in English Acquisition and Development Institute (READ Institute), was tasked to provide qualitative program analysis for six English Immersion programs. The ADE selected three Arizona public schools for review: Phoenix Advantage Charter School, Thunderbird High School, and Glendale High School. Additionally, the ADE and READ agreed upon three other out-of-state programs: Bethlehem Area School District, Bethlehem, Pennsylvania; the Rodeo Institute for Teacher Excellence (RITE) Program, Houston, Texas; and the Seattle Public Schools' Bilingual Orientation Centers, Seattle, Washington. The ADE simultaneously contracted with a second firm, Sjoberg Evashenk Consulting, LLC, to

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identify and analyze the cost elements related to these six programs and to project the resulting costs into 2002 Arizona cost of living dollars.

This report conveys the results of Phase I of the cost study where the two groups identified the key program and cost components of the selected model English Immersion programs. Generally, the six immersion programs employ some different philosophies and techniques, yet share many similarities on the road toward fulfilling comparable goals. For instance, although each of the six programs are classified as English Immersion, not all exercise the same instructional methods; some embrace Direct Instruction—some for the full curriculum while others apply that technique for only language arts; and still others follow a structured immersion program whereby language arts focuses on English Acquisition and students are mainstreamed during the remainder of the day. Finally, many of the selected programs "shelter" extremely limited English proficient students, termed "beginners," for a short time (typically six months to a year) to provide extensive English instruction to assist students to quickly acquire a basic level of English so they may move into the mainstream student environment.

The READ Institute's review found common elements across all programs. Specifically, many programs use reduced size classes during specialized English instructional time, apply phonics-based reading and Direct Instruction teaching techniques, and provide high levels of ongoing teacher training. In addition, many of these programs employ bilingual teachers or aides who may use the students' native language on occasion to ease the transition process. Further, all instruction in reading, writing, and other school subjects is given in a special Content-Based English Teaching curriculum. In each program surveyed, teachers held high expectations for limited English proficient (LEP) students and these students were taught the same curriculum as the mainstream students, albeit at a slightly modified pace.

Sjoberg Evashenk Consulting, LLC, was tasked with identifying all the cost elements related to delivering the selected model English Immersion programs. Overall, the districts and charter schools report that most of the costs related to providing teachers and other services necessary for serving LEP students are not unlike those incurred in delivering services for "mainstream" students. Moreover, Sjoberg Evashenk found that several of the programs approach teaching LEP students in similar ways: for example, the Bethlehem and Glendale districts target English acquisition services through their language arts courses and mainstream the LEP students for remainder of the day. These English Acquisition language arts programs are taught in lieu of "mainstream" courses and electives and typically consume most of the students' day. Notwithstanding the replacement of other course-work, the additional services and assistance that accompany these

districts' programs generate some identifiable incremental costs. In another instance, the Seattle Bilingual Orientation Centers (BOCs) and Phoenix Advantage provide "beginners" classes that for a time "shelter" LEP students from the mainstream—again, the majority of the classroom costs of these offerings replace the costs that the district would normally incur to educate these pupils.

Of the selected programs reviewed, one element of incremental cost incurred by these programs relates to reduced class sizes for LEP students. At schools in the Glendale district, class sizes for "beginner" LEP students average about 31 percent smaller than the average mainstream classes. In contrast, Bethlehem approaches class size from another perspective. This district reduces the size of all classes in a school by nearly 17 percent when it is determined to be "high or medium impact"—meaning the number of LEP students in the school exceeds approximately 12 percent of total student enrollment. However, Sjoberg Evashenk found that the Seattle BOCs, Phoenix Advantage, and the Houston RITE program do not reduce class sizes even in those groups considered beginners.

Additionally, English Acquisition programs commonly employ classroom aides to assist LEP students; these costs are easiest to identify. While several of the programs devote at least one aide for each English Acquisition classroom, it is important to note that some districts and schools provide classroom aides (available to assist all children) as part of their core method of providing regular educational services. For example, Phoenix Advantage's Direct Instruction program provides an aide in every classroom as an essential element for delivering the educational program. Further, the RITE program is premised upon having "trainers" available daily to provide assistance to classroom teachers and the students participating in their reading program.

Overall, Sjoberg Evashenk found the costs of providing these English acquisition programs vary widely. Specifically, Glendale and Bethlehem both appear to have comprehensive, schoolwide English Immersion programs currently reporting incremental costs of $983 and $1,056 per LEP student, respectively. Although the Phoenix Advantage and Houston RITE programs both employ Direct Instruction programs, only Phoenix Advantage applies this approach to its full-scope educational program. Sjoberg Evashenk's review reveals that Phoenix Advantage incurs two modest incremental costs equating to nearly $185 per LEP student for the 1999-2000 school year. RITE's program, primarily a reading and language program targeted at pre-kindergarten though grade 2 children, costs its private, nonprofit organization sponsor approximately $1.3 million per year or approximately $238 per disadvantaged student served. Finally, the Seattle Public Schools' Bilingual Orientation Centers that employ sheltered immersion techniques incur costs of more than $3,000 per LEP student.

Study Results at a Glance

Selected Model English Acquisition Programs
Identified Incremental Costs
(Projected into 2002 Arizona cost-of-living dollars)

■ Phoenix Advantage Charter School

Uses Direct Instruction as its immersion model.
Reports 209 or 24% enrollment as LEP.
Identifies LEP costs related to assistants and testing.
Projected 2002 incremental cost per LEP student **$192.10**

■ Glendale Union High School District

Applies English Immersion in language arts courses.
Reports 648 or 5% participate in the LEP program.
Incremental costs identified in 8 program elements.
Projected 2002 incremental cost per LEP student **$1,023.02**

■ Bethlehem Area School District

English Immersion throughout district K-5.
Reports 760 or 10.4% LEP student enrollment.
Incurs incremental LEP costs in 7 areas.
Projected 2002 incremental cost per LEP student **$1,076.79**

■ Houston RITE Program

Privately funded reading and language program.
Targets under-performing Pre-K through 2nd graders.
In 20 schools serving 5,300 children.
Projected 2002 RITE program costs per child **$243.05**

■ Seattle Public Schools Bilingual Orientation Centers

Sheltered Immersion program for LEP "beginners."
5 bilingual centers & 1 family center serve 450 students.
Reports incremental K-12 LEP costs in 7 areas.
Projected 2002 incremental cost per LEP student **$3,067.91**

Chapter 2
ENGLISH ACQUISITION MODEL PROGRAM REVIEW

Chapter Summary

In Phase I of this program cost study the Arizona Department of Education asked The Institute for Research in English Acquisition and Development (READ) to focus on six specific programs for LEP students that can best be described as English immersion programs and to identify key elements of their success. Every one of these programs uses an English-teaching approach that does not rely on the students' native languages for classroom instruction, although few of these programs have all the elements of a classic structured/sheltered English immersion envisioned by some educators.[1] In most cases, Limited English Proficient (LEP) students attend mainstream classrooms with native-English-speakers as much as possible, according to each student's level of English proficiency. This kind of flexibility allows students to move ahead or cover learning materials as many times as necessary, according to each one's cognitive ability and individual circumstances.

The common elements across all programs are smaller class sizes during specialized English instructional time, heavy use of phonics based reading programs, direct instruction, and high levels of ongoing teacher training. Many of these programs employ bilingual teachers or aides, who may use the students' native language on occasion to ease the transition process. All

[1]A Structured/Sheltered English Immersion Program is based on the premise that children can learn a second language rapidly and effectively, and can learn school subjects taught in the second language almost from the first day of school. The essential features are:

- A self-contained classroom with all LEP students.
- Professional staff trained in structured immersion approaches.
- The teacher or aide may know the primary language of the students but does not use it for instruction purposes and always answers student questions in English.
- A special curriculum is employed which uses content-based language teaching strategies similar to ESL. Content and English are taught concurrently.

All instruction, print materials, texts, and videos are in English.

instruction in reading, writing, and other school subjects is given using content-based teaching techniques which use a modified curriculum and visuals to assist LEP students in learning English and understanding the curriculum simultaneously. In each program surveyed, teachers hold high expectations for LEP students, and students are taught the same curriculum as the mainstream students, albeit at a slightly modified pace.

While some schools do provide pay incentives for English as a Second Language (ESL) certified teachers, most do not. Funds are often used on professional development for all teachers and teachers' aides to teach them techniques to work with LEP students. A common characteristic of these programs is a school culture that views education for LEP students as being the responsibility of every teacher and teacher's aide. Except for the Bethlehem, Pennsylvania, English Acquisition Program, all the other schools studied have problems with shortages of teachers and aides, but few have problems retaining qualified teachers.

We established that our criteria for program success would be reclassification rates and standardized assessment scores. The programs selected by the Arizona Department of Education and the READ Institute were chosen on the presumption that they were successful. Reclassification rates, or changing a student's classification from LEP to non-LEP, is only one criterion for program success and may not always be the most accurate one, since students are often successfully exited from special programs to mainstream classrooms before they are technically reclassified. Research on programs for LEP students shows that most LEP students are capable of performing mainstream classroom work well before they meet the arbitrary criteria for reclassification (Rossell, 2000).

Reliance on standardized assessment tests to establish program effectiveness also has drawbacks. Most often, LEP students are exempted from standardized tests in English for several years and only those LEP students who are expected to pass the test take it. In the case of Pennsylvania, there is no requirement for students to take standardized tests, so test score data are not available. All districts with LEP students measure their students' progress in learning English by using such tests as the Language Assessment Scales (LAS) to measure from Beginner to Intermediate to Advanced levels, along with teacher evaluations of student work, portfolios, and other measures.

The common denominator among all of these programs is the conviction that teaching children English as quickly as possible allows them to successfully perform grade appropriate academic work in a classroom with their native-English-speaking peers. While LEP students in high school, especially those with no prior education, take longer to learn English, elementary level students are mainstreamed within two years in most cases.

Phoenix Advantage Charter School
LEP Program Grades K-8

Johanna Haver

Program Elements

Phoenix Advantage Charter School is part of a national management company that oversees fifteen schools in eight states. All Advantage schools share the same instructional model and curriculum that is based on Direct Instruction, also known as Distar. The materials include Reading Mastery, a systematic phonics program, Language for Learning, Spelling Mastery, Distar Arithmetic, and Connecting Math Concepts, all published by SRA. The lessons are scripted for the teachers in reading, language, and math. Students learn in small instructional groups based on academic skill level rather than grade. Their progress is evaluated almost on a weekly basis. Students are moved from group to group according to what skills they have mastered. Also, students participate in specially designed character education programs and adhere to the standards of the President's Council on Physical Fitness. Students follow a uniform dress code.

Phoenix Advantage began as a free and public Arizona charter school in September of 1997 with 250 students in grades K-5. Now, in its fourth year, the school's enrollment has reached 1,030 students and extends through grade 8. The ethnic make-up is 70 percent Hispanic, 15 percent Anglo, 13 percent African-American, and 2 percent other. There is one school director, six other professional staff, 40 teachers, and 19 instructional assistants. Many of the students come from families that are very mobile; thus the student body in the fall looks quite different from that in the spring. The school year lasts 200 days, which is 25 school days longer than the school year of traditional Arizona public schools. Also, the school day runs from 8:00 a.m. to 3:30 p.m., which is from 1 to 2 hours longer than that of most Arizona public schools. Phoenix Advantage received Presidential Academic Awards in both 1998 and 1999. Considering that most of these students are considered "at-risk," the test results have been very good.

As is the case with charter schools in general, enrollment is strictly voluntary, and the instructional program is the same for all students whether LEP or not. The school uses the same structured and sequential approach for building language skills for all students, and all students follow the same scripted lessons.

Only those LEP students with the lowest level of English in grades 2 to 8 receive ESL instruction separate from mainstream classes. In grades K to

1, the regular program is designed in such a way that it addresses the needs of the very young LEP and non-LEP students in the same classroom.

There are two non-graded ESL classes for the 60 beginning LEP students in grades 2 to 8. One contains 30 students in grades 2, 3, and 4; the other, 30 students in grades 5, 6, 7, and 8. A full-time instructional assistant is also assigned to each class. The curriculum for beginning ESL students is the same as for mainstream students, but presented in a manner especially designed for LEP students. Sometimes the LEP students in the beginning classes use the Horizon reading program, which like Reading Mastery has a Direct Instruction format.

LEP students receive instructional assistance in these beginning classes for most of the day. With few exceptions, LEP students exit beginning ESL in one year, although some students may continue in the program for an additional year. After completion of beginning ESL, these students are placed in mainstream classes.

The format for all classes is that the teacher and/or the instructional assistant work directly with a group of 8 to 12 students while the rest of the class works independently at their desks. The students repeat in unison after the teacher in accordance with the scripted lesson. At the end of a task, the teacher gives students individual turns to check for student mastery of the skill that has been taught or introduced. The individual turns allow the teacher to know which students may need additional practice at the end of the lesson.

Mastery tests are given approximately every 5 to 10 lessons, depending on the program. Mastery is achieved when 90 percent of the students score 90 percent or better on the test. Students who do not receive 90 percent receive remedial assistance and are re-tested. Occasionally a student has to be moved to a lower group that moves more slowly, or to a higher group that moves more rapidly. Because each subject is scheduled at the same time for all classes, it is not difficult to make these adjustments. Because the school year and school day are unusually long, all remedial student needs are met within the regular school day/year.

The school's philosophy is based on the theory that children need a strong educational foundation and will succeed if presented with structured, sequential lessons. Although many teachers and other staff members speak Spanish, the curriculum is in English except for a small amount of Spanish taught as a foreign language. The teachers understand that the students' native language is not a barrier to their achievement. It is not acceptable to isolate LEP students or to expect less from them.

LEP Statistics

LEP students comprise 54 percent of the student body, with more than 500 students designated as LEP. Many of the students have been unsuccessful

in other schools. It is estimated that 99 percent of the LEP students speak Spanish and 78 percent of the all students participate in the free or reduced price school lunch program.

Staffing Model

The student to teacher ratios are as follows:

- Kindergarten has 25 students to one teacher and one instructional assistant.
- First grade has 30 students to one teacher and one instructional assistant.
- Grades 2 to 8 have 30 students to one teacher.

There is an average of 22 students per teacher or teacher's aide, and there is one aide per grade level for grades 2 to 8.

Teachers are required to have at least a bachelor's degree, and ESL endorsement is not required. However, bilingual skills in Spanish and English are highly prized and at least two teachers have ESL endorsements.

All teachers and instructional assistants serve LEP students. The professional development for both groups includes ten days training at the beginning and five days throughout the school year. Informally, there is on-going professional development, mentoring, and guidance among teachers.

There is a shortage of teachers. The recruiting strategy includes advertisements in the newspaper and sending individuals from the corporate office to teacher job fairs and teacher conferences to find employees. However, most of the teachers come to the school after hearing about it by word of mouth.

The pay for teachers is comparable to that of other public school teachers, but these teachers work harder because of longer hours and the extended school year. The pay schedule is merit-based and exemplary teacher performance can result in a 9-10 percent pay increase. There is an extensive point and rating system, and teachers are judged for the progress they make with lessons, their work ethic, their team spirit, their contributions to colleagues, and their ability to communicate with parents.

Assessment Statistics

LEP students take the oral portion of the Idea Proficiency Test (IPT) twice a year and the curriculum mastery skill tests almost weekly. The IPT is helpful in that it offers documentation as to the students' overall progress toward English language proficiency.

The reclassification criteria have not been firmly established. "Reclassification" would be meaningless as to placement, because students are assessed on skill mastery frequently and almost all LEP students are mainstreamed after one year.

Table I-1.

Phoenix Advantage Charter School
AIMS Results for All Students School Year 1999-2000

Grade	Number of Students Tested*	Mean Score Math	Mean Score Reading	Mean Score Writing
3	77-80	475	510	518
5	78-79	464	494	470

*The number of students tested varied because different portions of the test were administered on different days and not all students were present for all portions of the test.

The State of Arizona requires that the Arizona Instruments to Measure Standards (AIMS) Test be administered annually in the spring to all students in grades 3, 5, 8, and high school. When a student scores at least 500 points on any of the three sections of the test, that student has met the standard in that particular subject area.

Table I-2.

Phoenix Advantage Charter School
Spanish Version of the AIMS Results
School Year 1999-2000

Grade	Number of Students Tested	Mean Score Math	Mean Score Reading	Mean Score Writing
3	11	432	486	445
5	9	408	474	469

Note: The Spanish version of the AIMS test may be taken only once in place of the English version.

Table I-3.

Phoenix Advantage Charter School
Stanford 9 Percentile Rank Scores—All Students
School Year 1999-2000

Grade	Number of students tested	Percentile Rank Math	Percentile Rank Reading	Percentile Rank Language
2	143-188	21	38	20
3	117-120	32	38	42
4	105-111	24	28	29
5	89-91	18	23	16
6	75-76	25	31	22
7	56-57	30	37	46

The Stanford 9 is a standardized, nationally norm-referenced test administered annually to students in Grades 2-12. The national, average percentile rank score for each grade and each subject is the 50th percentile. LEP students who attended school in Arizona for fewer than three years were exempt from this test.

Arizona's Measure of Academic Progress (MAP) is an indicator of stu-

dent academic growth from one year to the next. The results displayed in Table I-4 are based on the Stanford 9, given in 1999 and 2000. MAP includes only those students who were tested both years in consecutive grade levels at the same school or who started the school year in the same school in which they were tested in 2000.

Table I-4.

Phoenix Advantage Charter School
MAP Results—All Students
School Year 1999-2000

Grade	Percent Expected Gain—Math	Percentile Rank Math (1999)	Percent Expected Gain—Reading	Percentile Rank Reading (1999)
2nd-3rd	152	27	139	38
3rd-4th	113	22	121	31
4th-5th	88	37	154	41
5th-6th	200	16	197	26
6th-7th	114	35	123	41

Average student growth over the course of the past academic year is compared to a national average in the table above. One hundred percent indicates that students in a particular grade level at the school have achieved an average amount of growth compared to a national sample. A percentage greater than 100 percent indicates student growth was greater than the national average.

Glendale High School LEP Program
English Acquisition Program
Grades 9-12

Johanna Haver

Program Elements

Glendale High School is one of nine comprehensive secondary high schools in the Glendale High School District. One principal and three assistant principals oversee sixty-five teachers, six other professional staff, and nineteen teacher aides. Thirty-three of those teachers have a Master's Degree or higher, and thirty-two of them have taught for ten years or longer.

The enrollment of Glendale High School is 1,410 students with approx-

imately 140 identified as Limited English Proficient (LEP). The school is considered a majority-minority school with 50 percent Hispanic, 40 percent Anglo, 8 percent African-American, and 2 percent other. The general school population is highly transient with as many as 600 in and out during one school year. Nevertheless, the Stanford 9 Percentile Rank Scores indicate a trend of 9-10 percentile gains in reading and language from the 9th to the 11th grade with math scores remaining at the national norm. The AIMS results show a momentum that makes it likely that a large majority of the 10th and 11th graders will pass the reading and writing sections of the AIMS test in time for graduation. The math section remains a challenge for these students, as it is for high school students throughout Arizona.

Students have many opportunities to prepare themselves for college and/or work beyond high school, and 13 percent to 14 percent of the students take AP classes that include English literature, French, Spanish, U.S. history, U.S. government, physics, and calculus. The district pays for the AP testing of all students. Selected students participate in Ace Plus, a partnership with Glendale Community College that allows students to earn up to 24 college credits while still in high school. Cisco Networking Academy, a two-year program, prepares students for internationally recognized certification in computer networking. Over 80 percent of the 1999 graduating class went on to college, and it is believed that 88 percent of the 2000 graduating class enrolled in postsecondary schooling also and 46 percent of the 2000 graduates received college scholarships that equaled $3,581,800.

Remedial help is available to students. The school offers extensive academic assistance to all students before and after school through Title-1. ESL resource classes are offered to LEP students where aides and sometimes computers are available. A peer-tutoring program is also in place that makes it possible for students to be trained to assist their fellow-classmates and earn a high school credit as well. Many former or advanced ESL students are especially eager to participate in this program so that they can lend a hand to those students who are just beginning to learn English.

Glendale High School uses a structured English immersion model for LEP instruction. The philosophy is that LEP students need to be taught English intensively to such a degree that they can move as soon as possible into the mainstream to participate in all the academic opportunities of Glendale High School. It is the policy of Glendale High School to explain to the parents of students identified as LEP that participation in the ESL program is voluntary.

There is no sheltering outside of reading and English classes. ESL students are encouraged strongly by ESL teachers, content-area teachers, and administrators to participate in the many school activities.

The ideal case progression of an LEP student's education occurs when

that student has literacy in his or her native language. A literate, well-educated child who speaks no English initially can move quickly through the ESL program in two years, and, after that, possibly qualify for honors and Advanced Placement (AP) classes. The worse case progression occurs when an LEP student has received no formal education. It is very difficult for any high school to make up for the lost time, especially when the instruction is in a language unfamiliar to the child. Generally, the child needs a great deal of remedial help.

English as a Second Language (ESL) classes are offered in grades 9-12 to students according to their particular level of English language proficiency.

Beginning Level—3 periods per day – 15 students to one ESL endorsed teacher (20 max) and two aides.

ESL Speaking
ESL Reading
ESL Writing

Intermediate Level—2 periods per day – 25.8 students to one ESL endorsed teacher (same as regular class) and one aide.

ESL English 1-2
ESL Reading 1-2

Advanced Level—2 periods per day – 25.8 students to one ESL endorsed teacher (same as regular class) and one aide.

ESL English 3-4
ESL Reading 3-4

ESL Resource—1 period per day – 25.8 students to one ESL endorsed teacher (same as regular class) and one aide.

Beginning ESL Speaking. The instruction concentrates on building basic listening, speaking, reading, and writing skills. Students are taught how to pronounce words clearly, follow oral directions and commands, and to respond appropriately to oral questions. The students learn to use target vocabulary and simple grammatical forms correctly while speaking on a variety of topics. This includes spontaneous conversation, prepared dialogues, and speeches.

Beginning ESL Writing. Beginning students are taught simple and compound sentence structure, usage, and mechanics. The correct use of target vocabulary in context is emphasized. Composition pieces introduced include a brief personal narrative and/or poem, short summary or factual information, personal letter, brief personal information card, simple application, and explanatory paragraph.

Beginning ESL Reading. Students develop oral and silent reading skills. While reading fiction and non-fiction, students practice reciprocal

reading strategies, the process of reading paragraphs orally in pairs and then asking each other questions about those paragraphs. Extensive vocabulary, selected literary terms, and selected literary elements are introduced. Students are taught to analyze both fiction and non-fiction for overall meaning.

During the rest of the day the beginning students are mainstreamed into classes that do not require print-based material. They include math, PE, art, and music.

Intermediate Level ESL English 1-2. Students develop English writing proficiency along with effective oral presentation skills and reading strategies. The composition pieces include the explanatory essay, summary, personal narrative, and personal letter. Students learn to apply correct conventions to their writing and to locate resources in the media center. The curriculum is based on the 9th grade language arts curriculum.

Intermediate Level Reading 1-2. Development of reciprocal reading strategies for both fiction and non-fiction is encouraged. This is a process proven highly effective in which pairs of students read orally back and forth to each other, one paragraph at a time, and then ask questions of each other. The study of literature is introduced by reading short stories, poetry, novels, and/or plays. Students are taught to analyze the short story and poetry for literary elements, figurative language, and overall meaning. Oral and written communication skills are included.

During the rest of the day, the intermediate students are mainstreamed into history and introductory science as well as math, PE, art, and/or music.

Advanced Level ESL English 3-4. Similar to English 1-2, but presented at a higher level and with more content. The curriculum is based on the 10th grade language arts curriculum.

Advanced Level ESL Reading 3-4. Similar to Reading 1-2, but presented at a higher level and with more content.

During the rest of the day, the advanced students take such classes as U.S. history, biology, and computer classes. No class is closed to these students. Many take advanced-math classes, honors classes, and Advanced Placement (AP) calculus.

ESL Resource. This class consists of an ESL teacher, an instructional aide, and peer tutors to provide academic support for LEP students in mainstream classes. Study skills and test taking strategies are taught, and access to computers is available at selected sites.

All LEP students are encouraged to take pre-algebra at summer school for six weeks. This is available to all students. ESL classes are offered at summer school to LEP students who enrolled as beginners late in the school year and/or need to work on literacy. The ESL classes last for five to six weeks at one campus, but are open to LEP students from all of the district schools. The ESL students are not charged; separate district funding is

available for this.

LEP Statistics

Approximately half of the entering LEP students in the entire district come from feeder schools and the other half come from other countries. The total number of LEP students equaled 103 for the 1999-2000 school year and 140 for the 2000-2001 school year.

Table I-5.
Glendale High School
Distribution of Students According to Grade and ESL Class
School Year 2000-2001

Grade Level	9th grade	10th grade	11th grade	12th grade	Classes	Sections
Beginning 3 hrs per class	50	13	1	0	4	12
Intermediate 2 hrs per class	18	21	4	0	2	4
Advanced 2 hrs per class	0	4	13	1	1	2
Resource 1 hr	6	16	9	0	2	2
Total	74	54	27	1	9	20

The total numbers on the above table exceed the total number of LEP students due to an overlap with the resource groups. The classes of students are the groups that meet together for 1-3 hours each day. Each of those hours counts as a separate section. Thus, nine classes, or groups, attend 20 sections.

For the 1999-2000 school year, 90 LEP students spoke Spanish (approximately 87 percent). Two students spoke French, one student spoke Punjabi, one student spoke Khmer, three students spoke Arabic, two students spoke Serbo-Croatian/Bosnian, one student spoke Tagalog, and three students spoke "other."

For the 2000-2001 school year, 120 LEP students speak Spanish (approximately 86 percent). Five students speak French, one student speaks Punjabi, two students speak Vietnamese, one student speaks Arabic, seven students speak Serbo-Croatian/Bosnian, one student speaks Tagalog, one student speaks Persian, one student speaks Swahili, and one student speaks "other."

Language Line from Monterey provides 24-hour interpreters for teacher to use a 3-way conversation in which the language of the parent or guardian is quickly translated. However, it costs $2.50 per minute, and teachers are asked to keep the conversations short. Family literacy classes are offered to parents at Glendale HS and funded through a Title-1 family literacy program.

No students receive either reduced price or free school lunch. However, students may work in the cafeteria for pay and free meals.

According to data collected from the students during the 1999-2000 school year, the following work patterns exist among all students at Glendale HS: 8 percent have full-time jobs; 34 percent have part-time jobs; and 3 percent have both full-time and part-time jobs. 56 percent of the students do not have jobs. The school officials believe that the percentages of LEP students who work are considerably higher than those of the overall school population.

Staffing Model

The student to teacher ratio for LEP students at the beginning level is from 15 to 20 students to one ESL teacher; the intermediate and advanced levels have the same ratios as exist in mainstream classes, 25.8 to one teacher. All five teachers of ESL classes hold ESL endorsements. All teachers serve LEP students. The content-area teachers' backgrounds in ESL vary. However, all content-area teachers have access to ESL in-service. They are encouraged, but not required, to have ESL endorsements.

Each school has a "mentor" teacher who helps all 1st, 2nd, and 3rd year teachers—regardless of a new teacher's former experience. That mentor teacher has three class periods free to instruct the teachers concerning classroom management, cooperative learning, Effective Elements of Effective Instruction (EEEI), and other teaching strategies that are helpful to all teachers. This districtwide mentoring program has been recognized nationally.

Special ESL workshops are provided to all teachers throughout the school year. This is arranged through Karen Henderson, the ESL coordinator (a 3/5 rather than full-time position). She is often asked to teach strategies designed especially for LEP students to a team of content-area teachers. Furthermore, as teachers practice these strategies, they share what works with their colleagues. Both non-ESL and ESL endorsed teachers receive a lot of cross-development specialized staff development. The teachers who wish to attend summer staff development are paid for it. Also, first-year teachers are paid to attend the weeklong summer training offered to teachers new to the district.

The four ESL instructional aides, all high school graduates, provide instructional assistance to the students in the classroom. In addition, they administer the oral portion of the LAS language proficiency exam that must be given individually to students. The ratio of students to aide is 7.5 to 10 to one aide at the beginning level and 25.8 to one aide at the other two levels. Classroom/program aides receive an extensive daylong training at the beginning of the school year and teachers continue the training of the

aides assigned to them.

A teacher shortage exists in all subjects. However, those teachers who have ESL endorsements may be given preference in hiring because of the high number of ESL students who are mainstreamed into the regular classes. All teachers are paid according to the same pay scales.

The recruitment consists of advertising in publications and sending officials to various teacher fairs in Arizona and neighboring states. Also, a program is in place that encourages ESL aides to continue their formal education. The aides are reimbursed for college or university credits they earn that can be applied towards a teaching degree. Aides who have spent many years in the ESL classroom have become some of the best ESL teachers in the district. Another program has been piloted and will be offered next year in grades 11 and 12 to encourage students to go into teaching.

Assessment Statistics

All parents fill out a home language survey at the time of enrollment in accordance with federal regulations. Three questions are asked:

- What language did the student learn first?
- What language does the student most often speak?
- What language is spoken most often in the home?

If any answer is not English, the student is classified as Primary Home Language Other Than English (PHLOTE) and then screened in order to find out if the student qualifies for LEP services. The score on the Stanford 9 must be at or below the 40th percentile to remain eligible. After that has been ascertained, the student is assessed on the LAS English oral language proficiency test and a district writing proficiency test.

Students are also interviewed in their primary language in accordance with state regulations, and LEP students receive dictionaries in the home language and English. Otherwise, they use the usual classroom textbooks.

Once a year LEP students are reassessed in the areas of listening/speaking, reading, and writing to determine if they have attained English proficiency in one or more of those skills. The measuring of English language proficiency is accomplished by having each LEP student take the oral portion of the Language Assessment Scales (LAS) by CTB McGraw-Hill, a test that is administered one-to-one by an instructional aide. The LAS requires that each aide uses the cassette tape instead of his or her own voice to obtain standardized results. Reading assessments are done by means of the Stanford or the Stanford 9 (given to all students except LEP students who have been enrolled in Arizona schools fewer than three years). Students compose 125-word explanatory paragraphs to be used for the writing assessments.

Evaluation of all students' progress is accomplished by means of Stanford

9 scores, district criterion referenced tests (CRTs), and state standards (the AIMS test), portfolios (writing samples passed from the teachers of one year to those of the next year), and teacher observation. Teachers receive information concerning the students' progress after the assessment data have been compiled. LEP Students average two years in the ESL program. However, many LEP students who enroll at Glendale High School are already at the intermediate or advanced levels.

Exit criteria are based on English proficiency: speaking, reading, and writing. The students must score 4 or 5 on the LAS, read at 36 percent and above on the Stanford 9, and demonstrate writing ability in accordance with a district writing standard (the district writing assessment consists of a 125-word explanatory paragraph on a choice of topics). Students can enter and exit at any level.

The district reclassification rate for 2000 was 9 percent while the state average was 8.8 percent. However, the graduating seniors are not figured into this tabulation. The school officials believe that the actual reclassification rate is much higher than what was reported to the Arizona Department of Education.

The Stanford 9 Test is a standardized, nationally norm-referenced examination administered annually to students in grades 2-12. LEP students who attended school in Arizona for fewer than three years have been exempt from taking this test.

Table I-6.
Glendale High School
Stanford 9 Percentile Rank Scores

Grade	School Year	1996-1997			1997-1998			1998-1999			1999-2000		
	Content Area	%	Score	AZ	%	Score	AZ	%	Score	AZ	%	Score	AZ
9	Reading	74	34	43	74	34	44	90	34	43	81	34	43
	Language	74	36	37	75	32	39	92	32	39	83	34	40
	Mathematics	74	53	54	76	50	57	92	51	57	83	52	59
10	Reading	76	28	42	79	36	42	99	37	42	88	35	42
	Language	76	38	43	79	40	43	100	39	44	87	37	44
	Mathematics	76	38	46	79	46	47	100	43	49	87	42	50
11	Reading	72	41	46	78	39	46	100	44	44	77	43	45
	Language	72	45	42	78	44	43	100	46	42	77	43	44
	Mathematics	72	50	49	78	50	51	100	53	52	77	49	55

%= percentage of eligible student who took the test. Score = percentile rank score; 50 is the national percentile rank score. AZ= the percentile rank score of AZ students.

The Arizona Instruments to Measure Standards (AIMS) Test is administered annually at the high school level. When a student scores at least 500

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points on any of the three sections of the test, that student has met the standard in that subject area. Table I-7 below shows the spring of 2000 test score results.

Table I-7.
Glendale High School
AIMS Results
School Year 1999-2000

Grade 10	Number Tested	Mean Score	FFB	A	M	E
Reading	222	522	11%	25%	44%	19%
Writing	222	478	15%	53%	32%	0%
Mathematics	224	453	74%	14%	12%	0%
Grade 11	**Number Tested**	**Mean Score**	**FFB**	**A**	**M**	**E**
Reading	84	507	8%	33%	54%	5%
Writing	131	470	15%	63%	22%	0%
Mathematics	175	454	77%	12%	11%	0%

FFB = Fell far below the standard. A = Approaching the standard.
M = Met the standard E = Exceeds the standard.

Thunderbird High School LEP Program *English Acquisition Program— Grades 9-12*

Johanna Haver

Program Elements

Thunderbird High School is one of nine comprehensive secondary high schools in the Glendale High School District. One principal and three assistant principals oversee 87 teachers, seven other professional staff, and eight teacher aides. Forty-three of those teachers have a Master's Degree or higher; forty-four of them have taught for ten years or more. The enrollment of Thunderbird High School is about 1780 students with approximately 147 identified as Limited English Proficient (LEP).

Two hundred students earned AP credits in classes that include English literature, French, Spanish, U.S. history, U.S. government, physics, and calculus during the 1999-2000 school year. The district pays for the AP testing of all students. During the 1999-2000 school year, Thunderbird stu-

dents received special recognition for National Merit Scholarships, a superior rating for its jazz band, and state/regional athletic championships.

LEP students received special recognition for activities that they participated in during the 1999-2000 school year. The Arizona School Public Relations Association presented an award to Thunderbird High School for Thunderbird Foreign, a newspaper that is made up of stories by the LEP students. This 20-page newspaper is mailed to families of LEP students and distributed to all Glendale Union high schools. Also, the Thunderbird Culture Club was awarded the Glendale Union High School District annual "Achievement above All" distinction.

Remedial help is available to students. The school offers extensive academic assistance to all students before and after school with peer mediation and a peer-tutoring program also in operation. A one-credit class has been established at Thunderbird HS to train students in peer tutoring. The ESL resource classes provide an ESL teacher, an instructional aide, sometimes computers, and peer-tutors who are either advanced or former LEP students.

Thunderbird High School uses a structured English immersion model for LEP instruction. The philosophy is that LEP students need to be taught English intensively to such a degree that they can move as soon as possible into the mainstream to participate in all the academic opportunities of Thunderbird High School.

It is the policy of Thunderbird High School to explain to the parents of students identified as LEP that participation in the ESL program is voluntary. There is no sheltering outside of reading and English classes. ESL students are encouraged strongly by ESL teachers, content-area teachers, and administrators to participate in the many school activities.

The ideal case progression of an LEP student's education occurs when that student has literacy in his or her native language. A literate, well-educated child who speaks no English initially can move quickly through the ESL program in two years, and, after that, possibly qualify for honors and/or Advanced Placement (AP) calculus.

The worse case progression occurs when an LEP student has received no formal education. It is very difficult for any high school to make up for the lost time, especially when the instruction is in a language unfamiliar to the student. Generally, such students need a great deal of remedial assistance.

English as a Second Language (ESL) classes are offered in grades 9-12 to students according to their particular level of English language proficiency.

Beginning Level—4 periods per day—15 students to one ESL endorsed teacher (20 max) and two aides

ESL Speaking

ESL Reading
ESL Writing
ESL Teens

Intermediate Level—2 periods per day—25.8 students to one ESL endorsed teacher (same as regular class) and one aide

ESL English 1-2
ESL Reading 1-2

Advanced Level—2 periods per day—25.8 students to one ESL endorsed teacher (same as regular class) and one aide

ESL English 3-4
ESL Reading 3-4

ESL Resource—1 period per day—25.8 students to one ESL endorsed teacher (same as regular class) and one aide

Beginning ESL Speaking. The instruction concentrates on building basic listening, speaking, reading, and writing skills. Students are taught how to pronounce words clearly, follow oral directions and commands, and to respond appropriately to oral questions. The students learn to use target vocabulary and simple grammatical forms correctly while speaking on a variety of topics. This includes spontaneous conversation, prepared dialogues, and speeches.

Beginning ESL Writing. Beginning students are taught simple and compound sentence structure, usage, and mechanics. The correct use of target vocabulary in context is emphasized. Composition pieces introduced include a brief personal narrative and/or poem, short summary or factual information, personal letter, brief personal information card, simple application, and explanatory paragraph.

Beginning ESL Reading. Students develop oral and silent reading skills. While reading fiction and non-fiction, students practice reciprocal reading strategies, which is the process of reading paragraphs orally in pairs and then asking each other questions about those paragraphs. Extensive vocabulary, selected literary terms, and selected literary elements are introduced. Students are taught to analyze both fiction and non-fiction for overall meaning.

Teens. Due to the highly diversified ESL population at Thunderbird High School, it became necessary to offer beginners a fourth-hour class that serves as a bridge to understanding and adjusting to American culture. The curriculum includes subjects such as personal hygiene, table manners, appropriate clothing, rules for sports, restaurant menus, school regulations, taking the bus, and recreational possibilities.

During the rest of the day the beginning students are mainstreamed into classes that do not require print-based material. They include math, PE,

art, and music.

Intermediate Level ESL English 1-2. Students develop English writing proficiency along with effective oral presentation skills and reading strategies. The composition pieces include the explanatory essay, summary, personal narrative, and personal letter. Students learn to apply correct conventions to their writing and to locate resources in the media center. The curriculum is based on the 9th grade language arts curriculum.

Intermediate Level Reading 1-2. Development of reciprocal reading strategies for both fiction and non-fiction is encouraged. This is a process proven highly effective in which pairs of students read orally back and forth to each other, one paragraph at a time, and then ask questions of each other. The study of literature is introduced by reading short stories, poetry, novels, and/or plays. Students are taught to analyze the short story and poetry for literary elements, figurative language, and overall meaning. Oral and written communication skills are included.

During the rest of the day, the intermediate students are mainstreamed into history and introductory science as well as math, PE, art, and/or music.

Advanced Level ESL English 3-4. Similar to English 1-2, but presented at a higher level and with more content. The curriculum is based on the 10th grade language arts curriculum.

Advanced Level ESL Reading 3-4. Similar to Reading 1-2, but presented at a higher level and with more content.

During the rest of the day, the advanced students take such classes as U.S. history, biology, and computer class. No class is closed to these students and many take advanced-math classes, honors classes, and Advanced Placement (AP) calculus.

ESL Resource. This class consists of an ESL teacher, an instructional aide, and peer tutors to provide academic support for LEP students in mainstream classes. Study skills and test taking strategies are taught, and access to computers is available at selected sites.

One to two school buses (depending on the number of students and schools involved) adjust their schedules and routes to pick up and return ESL students to those Glendale Union high schools that do not have ESL programs. Those students can then participate in the ESL program at Thunderbird. When those students exit the ESL program, they have the choice to either remain at Thunderbird or to return to the original school.

All LEP students are encouraged to take pre-algebra at summer school for six weeks. This is available to all students. ESL classes are offered at summer school to LEP students who enrolled as beginners late in the school year and/or need to work on literacy. This lasts for five to six weeks at one campus, but is open to LEP students from all of the district schools. The ESL students are not charged; separate district funding is available for this.

LEP Statistics

Approximately half of the entering LEP students in the entire district come from feeder schools and the other half come from other countries. Total number of LEP students equaled 130 for the 1999-2000 school year and 147 for the 2000-2001 school year.

Table I-8.

Thunderbird High School
Distribution of Students According to Grade and ESL Class
School Year 2000-2001

Grade Level	9th grade	10th grade	11th grade	12th grade	Classes	Sections
Beginning 4 hrs per class	22	14	5	1	3	12
Intermediate 2 hrs per class	11	16	12	3	2	4
Advanced 2 hrs per class	13	13	15	10	2	4
Resource 1 hr	6	4	10	5	1	1
# of students	52	47	42	19	8	21

The total numbers on the table above exceed the total of LEP students due to an overlap with the resource groups. The classes of students are the groups that meet together for 1-4 hours each day. Each of those hours counts as a separate section. Thus, eight classes, or groups, attend 21 sections. The eight groups are served in 21 sections.

For the 1999-2000 school year, 59 students spoke Spanish (approximately 45 percent). Two students spoke Albanian, two students spoke French, one student spoke Kurdish, nine students spoke Vietnamese, seven students spoke Chinese, two students spoke Dinka, nine students spoke Arabic, one student spoke Lao, one student spoke Polish, thirty-four students spoke Serbo-Croatian/Bosnian, one student spoke Punjabi, one student spoke Tagalog, and one student spoke Persian.

For the 2000-2001 school year, 84 speak Spanish (approximately 57 percent). Three students speak Albanian, one student speaks French, six students speak Vietnamese, one student speaks German, four students speak Chinese, nine students speak Arabic, two students speak Polish, thirty-one students speak Serbo-Croatian/Bosnian, one student speaks Punjabi, two students speak Tagalog, one student speaks Assyrian, and two students speak "other."

Language Line from Monterey provides 24-hour interpreters for teacher to use a 3-way conversation in which the language of the parent or guardian is quickly translated. However, it costs $2.50 per minute, and teachers are asked to keep the conversations short. Family literacy classes are offered to parents at Glendale HS and funded through a Title-1 family literacy pro-

gram.

No students receive either reduced price or free school lunch. However, students may work in the cafeteria for pay and free meals. According to data collected from the students during the 1999-2000 school year, the following work patterns exist among all students at Thunderbird HS: 3 percent have full-time jobs; 43 percent have part-time jobs; and, 3 percent have both full-time and part-time jobs. The school officials believe that LEP students are considerably more likely to work than other students.

Staffing Model

The student to teacher ratio for LEP students at the beginning level is from 15 to 20 students to one ESL teacher; the intermediate and advanced levels have the same ratios as exist in mainstream classes, 25.8 to one teacher. All five teachers of ESL classes hold ESL endorsements.

All teachers serve LEP students. And while the content-area teachers' backgrounds in ESL vary, all content-area teachers have access to ESL in-service training and they are encouraged, but not required, to have ESL endorsements.

Each school also has a "mentor" teacher who helps all 1st, 2nd, and 3rd year teachers—regardless of a new teacher's former experience. That mentor teacher has three class periods free to instruct the teachers concerning classroom management, cooperative learning, Effective Elements of Effective Instruction (EEEI), and other teaching strategies that are helpful to all teachers. This districtwide mentoring program has been recognized nationally.

Special ESL workshops are provided to all teachers throughout the school year. This is arranged through Karen Henderson, the ESL coordinator (a 3/5 rather than full-time position). She is often asked to teach strategies designed especially for LEP students to a team of content-area teachers. Furthermore, as teachers practice these strategies, they share what works with their colleagues.

Both non-ESL and ESL endorsed teachers receive a lot of cross-development specialized staff development. The teachers who wish to attend summer staff development are paid for it. Also, first-year teachers are paid to attend the weeklong summer training offered to teachers new to the district.

The six ESL instructional aides, all high school graduates, provide instructional assistance to the students in the classroom. In addition, they administer the oral portion of the LAS language proficiency exam that must be given individually to students. The ratio of students to aides is 7.5 to 10 to one at the beginning level and 25.8 to one at the other two levels. Classroom/program aides receive an extensive daylong training at the

beginning of the school year, and teachers continue the training of the aides assigned to them.

A teacher shortage exists in all subjects; however, those teachers who have ESL endorsements may be given preference in hiring because of the high number of ESL students who are mainstreamed into the regular classes. All teachers are paid according to the same pay scales.

The recruitment consists of advertising in publications and sending officials to various teacher fairs in Arizona and neighboring states. Also, a program is in place that encourages ESL aides to continue their formal education. The aides are reimbursed for college or university credits they earn that can be applied towards a teaching degree. Aides who have spent many years in the ESL classroom have become some of the best ESL teachers in the district. Another program has been piloted and will be offered next year in grades 11 and 12 to encourage students to go into teaching.

Assessment Statistics

All parents fill out a home language survey at the time of enrollment in accordance with federal regulations. Three questions are asked:

- What language did the student learn first?
- What language does the student most often speak?
- What language is spoken most often in the home?

If any answer is not English, the student is classified as Primary Home Language Other Than English (PHLOTE) and then screened in order to find out if the student qualifies for LEP services. The score on the Stanford 9 must be at or below the 40th percentile to remain eligible. After that has been ascertained, the student is assessed on the LAS English oral language proficiency test and a district writing proficiency test.

Students are also interviewed in their primary language in accordance with state regulations and LEP students receive dictionaries in the home language and English. Otherwise, they use the usual classroom textbooks.

Once a year LEP students are reassessed in the areas of listening/speaking, reading, and writing if they have not yet attained English proficiency in one or more of those skills. The measuring of English language proficiency is accomplished by having each LEP student take the oral portion of the Language Assessment Scales (LAS) by CTB McGraw-Hill, a test that is administered one-to-one by an instructional aide. The LAS requires that the aides use the cassette tape instead of their own voices to obtain standardized results. Reading assessments are done by means of the Stanford 9 (given to all students except LEP students who have been in Arizona fewer than three years). Students compose 125-word explanatory paragraphs to be used for the writing assessments.

Evaluation of all students' progress is accomplished by means of Stanford 9 scores, district criterion referenced tests (CRTs), and state standards (the

AIMS test), portfolios (writing samples passed from the teachers of one year to those of the next year), and teacher observation. Teachers receive information concerning the students' progress after the assessment data have been compiled.

Students average two years in the program; however, many LEP students who enroll at Thunderbird High School test already at the intermediate or advanced levels. Exit criteria are based on English proficiency: speaking, reading, and writing. The students must score 4 or 5 on the LAS, read at 36 percent and above on the Stanford 9, and demonstrate writing ability in accordance with a district writing standard (the district writing assessment consists of a 125-word explanatory paragraph on a choice of topics). Students can enter and exit at any level.

The district reclassification rate for 2000 was 7 percent while the state average was 8.8 percent. However, the graduating seniors are not figured into this tabulation. The school officials believe that the actual reclassification rate is much higher than what was reported to the Arizona Department of Education.

The Stanford 9 and the ACT scores were above district, county, state, and national averages in all grade levels and in all subjects for the 1999-2000 school year.

The Stanford 9 Test is a standardized, nationally norm-referenced examination administered annually to students in grades 2-12. LEP students who attended schools in Arizona for fewer than three years have been exempt from taking this test.

Table I-9.

Thunderbird High School
Stanford 9 Percentile Rank Scores

Grade	School Year	1996-1997			1997-1998			1998-1999			1999-2000		
	Content Area	%	Score	AZ	%	Score	AZ	%	Score	AZ	%	Score	AZ
9	Reading	87	54	43	90	54	44	100	55	43	84	57	43
	Language	88	54	37	89	52	39	100	52	39	85	54	40
	Mathematics	89	70	54	89	71	57	100	74	57	81	73	59
10	Reading	86	55	42	81	57	42	100	54	42	83	59	42
	Language	87	58	43	81	58	43	100	54	44	83	59	44
	Mathematics	89	57	46	80	61	47	100	60	49	82	65	50
11	Reading	87	59	46	86	60	46	100	58	44	84	54	45
	Language	88	58	42	86	55	43	100	58	42	82	51	44
	Mathematics	88	64	49	86	66	51	100	70	52	81	66	55

%= percentage of eligible student who took the test. Score = percentile rank score; 50 is the national percentile rank score. AZ= the percentile rank score of AZ students.

The Arizona Instruments to Measure Standards (AIMS) Test is admin-

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istered annually at the high school level. When a student scores at least 500 points on any of the three sections of the test, that student has met the standard in that subject area. The table below shows the spring of 2000 test score results.

Table I-10.
Thunderbird High School
AIMS Results
School Year 1999-2000

Grade 10	Number Tested	Mean Score	FFB	A	M	E
Reading	383	551	4%	9%	48%	38%
Writing	378	505	4%	36%	59%	1%
Mathematics	379	473	60%	14%	24%	2%

Grade 11	Number Tested	Mean Score	FFB	A	M	E
Reading	34	474	50%	24%	21%	6%
Writing	49	474	27%	33%	41%	0%
Mathematics	67	465	58%	24%	18%	0%

FFB = Fell far below the standard. A = Approaching the standard.
M = Met the standard E = Exceeds the standard.

Bethlehem Area School District—Bethlehem, PA
English Acquisition Program K-5

Rosalie Pedalino Porter

Program Background

The Bethlehem Area School District in northeastern Pennsylvania draws its 14,000 students from the City of Bethlehem (60 percent), adjacent suburbs (30 percent), and the rest from nearby rural districts. The Bethlehem area has a substantial unemployment problem due to the decline of manufacturing, with approximately 25 percent of the public school students coming from families of low socioeconomic status. The ethnic/racial composition of the student body is 25 percent Hispanic, 4 percent African American, and 1 percent Asian, and the remainder classified White-non-Hispanic.

The Bethlehem schools enroll approximately 1,400 students of limited-English proficiency (LEP) for whom English Acquisition Program services are provided. These students are predominantly Spanish speakers (86

percent) from Puerto Rico and from Central American countries, while the remaining 14 percent represent a dozen other language backgrounds. The present study is focused on the LEP students in the 14 elementary schools, grades K-5 , which constitutes the largest segment of the English language learners in the Bethlehem schools.

LEP Population

The Bethlehem program for LEP students, first implemented in 1993, fits under the broad definition of Structured English Immersion. The philosophy of the Bethlehem program is based on the belief that providing LEP students with fluency and literacy in English as rapidly as possible promotes the best opportunities for academic achievement in the mainstream classroom and for future success in the larger community. The approach employed in the elementary program follows:

1. Providing an academic setting that accelerates the acquisition of English language skills for academic and social purposes.
2. Integrating LEP students with native speakers of English as much as possible.
3. Coordinating support services (cooperative planning by classroom and ESOL teachers, Title I, etc.) to avoid or reduce fragmentation of the school day.
4. Using the student's native language for brief explanations, when necessary.

Special approaches employed in the elementary schools include the following:

1. There is reduced class size in schools or grade levels where the enrollment of LEP students is higher than 30-50 percent of the total.
2. All LEP students attend their local school and are assigned to mainstream classrooms, with special English Acquisition Program instruction by trained ESOL teachers, according to their level of English on arrival, i.e., LEP students in the Beginner category (little or no English) receive 75 minutes daily of ESOL; Intermediate level students receive 45-minute lessons; and Advanced level students receive special instruction based on their particular needs.
3. Beginner level students may be assigned individual tutors (called Second Language Guides) for 5 hours/week, in addition to their special ESOL classes.
4. Itinerant ESOL teachers provide small-group instruction 2-4 times per

week for LEP students in low-impact schools (less than 10 percent LEP enrollment).

5. Kindergarten LEP students are not given special ESOL lessons as the entire program at this level focuses on language development and on pre-literacy and pre-math skills. A special grant provides for an additional hour of Kindergarten beyond the district's half-day schedule for high impact LEP schools.

Participation in the English Acquisition Program is dependent on parental approval, once the program has been explained to parents. Parents or students (high school level) may sign a waiver declining program services. In eight years only ten waiver requests have been submitted.

The elementary program for LEP students requires that they participate in the mainstream curriculum in all subject areas, with adaptations for their level of English. ESOL instruction is based on the Content-Based Language Teaching approach which emphasizes the use of school subjects as the focus of English language lessons, promoting second language learning and content learning simultaneously.

English language skills are taught through a balanced literacy framework which develops listening comprehension, speaking, reading, and writing concurrently. Balanced literacy instruction for LEPs employs these various techniques to support the reading lessons in the mainstream classroom: guided reading, shared reading, interactive writing, guided writing, and word work (phonemic awareness and phonics). ESOL teachers also focus on helping students to meet the reading and writing standards set by the State of Pennsylvania and the New Standards adopted by the Bethlehem Area School District.

Ideally, the LEP students at one end of the spectrum are those who have received a good education in their land of origin and are up to grade level in their knowledge of content and literacy in their native language. For these students, the rapid acquisition of English and the transfer of subject matter knowledge from their first language to English may be accomplished in only one or two years. Special difficulties arise in the normal progression of the English Acquisition Program for LEP students who arrive in Bethlehem at the upper elementary grades or the secondary level having missed several years of schooling in their land of origin. For older students who have little or no knowledge of English and are also lacking subject matter knowledge, the challenge to help them catch up with their age/peer group is a very difficult one.

LEP students are assessed twice a year, in November and June, to chart progress in English language skills development.[2] The English language

[2]A detailed description of the stages of language development can be found in *READ Perspectives,* Vol. II-2, pp. 116-119.

curriculum has been revised periodically to bring it into closer alignment with the Bethlehem New Standards for all students. The last formal program review was done in 1996. The English Acquisition Program is currently under review by a committee of eleven principals from elementary, middle, and high school levels and the program coordinator.

It should be reiterated here that LEP students at the elementary level are not served in a separate classroom but are assigned to a mainstream classroom from the first day, with special ESOL support part of each day. The length of time any student needs to receive support services is determined by the level of English proficiency of each student (as well as previous educational background and other factors) at the time of enrollment in the Bethlehem schools. LEP students arrive at different age levels, with different abilities and with different levels of English language proficiency. In general, students arriving with little or no English will be exited from program services in three to four years. Students with strong academic backgrounds may exit the program in one year; students with learning disabilities or other problems will need more time and a variety of services besides ESOL.

Eighty-six percent of the LEP students are Spanish speakers of Puerto Rican ethnicity. Since Puerto Rico is part of the U.S., place of birth is not separately coded. It is safe to say that most all of these students were born on the U.S. mainland of Spanish-speaking families that move frequently and travel back and forth to Puerto Rico, sometimes for extended stays. Of all the Spanish-speaking students, less than 10 percent are from Central and South America and arrive in the U.S. with no English. Fourteen percent of the LEP students who are not Spanish speakers come from a dozen different countries where English is not the common language.

The district provides translations of major documents (report cards, newsletters) in Spanish and English but not in the native languages of the smaller language groups. Some grant money has been provided for adult literacy, ESL, and parent/child literacy classes through certain schools.

Other special program services include:

1. ESOL summer school for elementary school students at the Beginner level provides 5 hours daily for four weeks, and is taught by ESOL teachers.

2. There are after-school programs through special grants and migrant education funds.

3. Reading Recovery Program had been in operation in Bethlehem schools for eight years. It provides 12-20 weeks of intensive one-on-one reading instruction to first graders who score in the lowest 20 percent of their class. The majority of students who receive Reading Recovery assistance

go on to read at the average level for their grade and require no further remedial services.

LEP Statistics

The elementary schools in Bethlehem enroll 760 LEP students, though this number fluctuates throughout the school year due to the high rate of transience of district families. Eighty-six percent of the LEP students are Spanish speakers, mainly from Puerto Rico with small numbers from Mexico, Guatemala, Colombia, and El Salvador. The others are speakers of (in order of frequency): Chinese dialects, Portuguese, Greek, Arabic, Turkish, Vietnamese, French, Russian, Croatian, Albanian, Swedish, Gujarati, Korean, Punjabi, Thai, and Urdu.

Table I-11.

Bethlehem Area School District
LEP Students Receiving ESOL Services

Grade	Beginner	Intermediate	Advanced	Special Ed.	Exited
K	60	24	6	2	0
1	91	46	12	7	11
2	66	42	19	1	13
3	35	47	21	11	37
4	33	49	29	19	47
5	23	43	38	14	53

Source: Bethlehem Area School District
Note: Many of these students transferred into the district in the upper grades and many of the Special Ed students were already identified with Individual Education Plan (IEP) from their sending district.

The number of Bethlehem students receiving free or reduced cost lunch (as an indicator of family poverty) is estimated to be 25 percent. As many as 80 percent of children attending high and medium impact schools are likely to receive free/reduced cost meals.

Although this report does not extend to the high school level, it is a fact that most LEP high school students work after school in an English-speaking environment. Their work often provides necessary income for their families. Many of the Bethlehem LEP students come from families that have moved frequently, and have experienced serious dislocations due to unsettled conditions, illnesses, and incarceration. Some of the children live with relatives rather than with parents.

Staffing Model

Specialist ESOL teacher/student overall (18 full time teachers for 750 LEP students) is roughly 1/41. Because LEP students are assigned to main-

stream classrooms with their English-speaking peers for a good portion of the school day, ESOL teachers deliver instruction to groups of from 3 to 14 students at a time, depending on the English language level of the students, their grade level, and the numbers of LEP students in the school. Lessons may be given in a pull-out setting or in a "push-in" situation (ESOL teacher teaches a small group within the classroom.) In addition, a full-time tester (a professional position) is on staff at the Center for Language Assessment, the office of the Program Coordinator where all new students are interviewed and tested for enrollment in the Bethlehem schools.

Pennsylvania does not have a bilingual education mandate and does not have a certification for bilingual or ESOL teachers. The only requirement is elementary or secondary teaching certification. The Bethlehem district has retained most of the Spanish bilingual teachers from the former bilingual program, and with retraining, they are staffing most of the ESOL positions, in addition to new teachers who have been recruited in recent years.

Non-specialist teachers serving LEP students are the regular elementary level classroom teachers, but they are not considered part of the program. To reiterate the basic philosophy of the program, LEP students will benefit the most from participating in a regular classroom with English-speaking children, while receiving support services from the ESOL staff.

A rich array of staff development workshops—in-service training—has been provided for teachers of English Language Learners (the newest appellation for LEP students), including the following:

1. Balanced literacy instruction—as previously discussed—is provided.
2. Integrated Language Approach workshops by Dr. George Gonzalez on techniques for using classroom literature texts to build oral language, reading, and writing are available.
3. ESOL teachers are trained in implementing the Developmental Reading Assessment (DRA) to evaluate student progress in oral reading and comprehension. They have established the benchmark levels for determining when LEP students move from Beginner to Intermediate to Advanced status.
4. Reading Recovery Teacher Leaders are trained for a full year for providing student tutorials and for training district teachers in Reading Recovery and balanced literacy approaches.

Teacher aides are rarely used in the Bethlehem English Acquisition Program. Teacher aides, who are designated Second Language Guides, are employed for small group tutoring of Beginner level students in schools with very small enrollments of LEP students where a full-time ESOL teacher is not feasible. Second Language Guides also provide support at

two Title 1-funded elementary schools. In all cases, they work closely with ESOL teachers and receive direction on methods and materials from them. The aides are sometimes included in the district in-service training days. At present, there are two full-time equivalent teacher aides in the English Acquisition program working in Kindergarten classes with high enrollments of LEP students.

In-service training is offered to all teachers who work with LEP students and is encouraged by school principals. The majority of elementary school regular classroom teachers have not attended these workshops, but they have been trained in the balanced literacy approach and in the techniques for teaching the New Standards, both of which work very well with LEP students.

ESOL teachers regularly attend meetings and in-service days to discuss program improvements, assessment methods, and teaching strategies. These teachers developed the rubric for oral reading and comprehension testing used to determine when students have reached a higher level of English proficiency and when they are ready to exit the English Acquisition Program. They are now working on writing instruction and writing tests to meet the four types of writing required in the New Standards. New ESOL teachers receive in-classroom coaching by the Program Coordinator on literacy strategies and assessment techniques used in the program. Summer school ESOL teachers are given two days of special training by the Reading Recovery Teacher Leaders who then make follow-up visits to the classroom for observing/coaching.

The Bethlehem Area School District enjoys a reputation as an outstanding district and receives many applications for each teaching position. The Program Coordinator has recruited many very competent new teachers who are certified at the elementary level and are fluent in Spanish and English, from across the country. The Coordinator maintains an active file of teacher candidates, conducts telephone interviews of likely applicants, and keeps an eye out for teachers who may be interested in entering the ESOL field. No additional pay or financial inducements are given to ESOL teachers. The standard recruitment methods used by seasoned administrators are employed here, i.e., networking with other program coordinators, attending professional conferences, and canvassing local universities graduate programs.

As for retention of staff, there is very little turnover in the ESOL teaching positions that are full-time and assigned to one school. More ESOL teachers who are part-time or who have assignments as itinerant teachers tend to leave when a better position becomes available.

The academic progress of LEP students is monitored by periodic assessments of language proficiency through DRA and other measures, report card grades, and consultations with regular classroom teachers, in order to

determine when students are ready to exit the English Acquisition Program and participate in mainstream classroom activities without its support. Teachers are the main arbiters of student success based on mastery of stages in oral language, reading, and writing. In occasional cases, teachers may call for additional student assessment by the tester from the central office.

ESOL teachers employ texts, manipulatives, dictionaries, visual aids, computer programs, videos, and teacher-made materials in their instruction of LEP students. In the elementary schools, the district curriculum in all subjects is the curriculum that is adapted for the LEP students. The overarching goal of the Bethlehem Area District Schools is student success in the regular program.

Assessment Statistics

Bethlehem is in the process of adopting a standardized exam to administer to all students and so no such achievement data are available. However, data on student assessment are in a comprehensive database, although not by grade level. Two-thirds of the students who enter the Bethlehem schools at the Beginner level of English proficiency will have exited the English Acquisition Program after 3-4 years.

Data reported in a study of the Bethlehem program published in the fall of 1995[3] record LEP student achievement at the end of the first two years of the program as follows:

> As of June, 1995, analysis of data from all students in the program, grades K-12 showed that 29 percent of students at the beginning level in the first quarter of the school year had moved to the intermediate level by June. Twelve percent of the students who were in the intermediate level the first quarter of the year had moved to the advanced level by June. Forty-six percent of the students who were classified as advanced in November had qualified to exit the program by June.

In a four-year longitudinal report published in *READ Perspectives,*[4] Bethlehem reports LEP student progress in English language proficiency as follows:

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[3] *READ Perspectives,* Vol. II-2, p. 108.

[4] *READ Perspectives,* Vol. V-2, Fall 1998, p. 70.

Table I-12.
Bethlehem Area School District
K-5 Longitudinal Data
Classes Entering 1994-95 and 1993-94

	Class Entering 1994-95 198 Students Progress At End of 3 Years		Class Entering 1993-94 179 Students Progress At End of 3 Years	
	Number	Percent	Number	Percent
Students Exiting	64	32	100	56
Advanced Level	48	24	30	17
Intermediate Level	51	26	28	16
Beginner Level	14	7	8	4
Special Education	21	11	13	7

Source: *READ Perspectives*, Vol. V-2, Fall 1998, p. 70.

Houston Independent School District
RITE/Rodeo Program

Russell Gersten
Eugene Research Institute

Program Description

The RiTE/Rodeo Program is a structured English immersion program. Students are taught entirely in English beginning in Pre-Kindergarten. They acquire English language ability as they learn to read in English, and discuss what they read with teachers and peers.

The program uses a direct instruction approach.[5] This approach has a history of proven success in building language and reading ability. This success was documented in the independent evaluation of Project Follow Through[6] as well as in other research documenting the effectiveness of this approach with English language learners.[7] Critical features of direct instruction are: frequent oral responses, group (choral responding) prior to individual responses, cumulative review, frequent feedback to students on accuracy, teaching so that there is high level of student success, and explicit work on word attack strategies.

The basic curriculum is the SRA Reading Mastery series (an updated

[5]Becker, 1977; Carnine, 1991; Gersten, Woodward, & Darch, 1986.

[6]Stebbins, St Pierre, Proper, Anderson, & Cerva, 1977.

[7]Becker & Gersten, 1982; Gersten, 1985; Gersten & Woodward, 1985.

version of the Distar program used in Project Follow Through) and the SRA Language for Learning Program (an updated version of Distar Language used in Follow Through). These are updated, refined versions of the curriculum used in the evaluation research described in the previous paragraph.

The fact that the reading curriculum uses a carefully controlled vocabulary makes it an ideal vehicle for an immersion program. In addition, the teachers supplement the program with sheltered English techniques. For example, teachers use concrete objects as a means of teaching vocabulary and as a way to spend more time preteaching and practicing vocabulary than would be typical with native English speakers.

Teachers use the oral language program as a springboard for "boardwork" (i.e., written language activities). Furthermore, students are actively encouraged to read a wide range of books to increase their knowledge of English. Instruction is systematic and step-by-step. Rates of teacher-student interaction are extremely high, students are explicitly taught relevant phonics and phonemic skills in reading, and formal academic language is explicitly taught. The key philosophy is that every child can learn. No assumptions are made about background knowledge.

Characteristics of Students Served

This program is implemented in 20 low-income schools. Eight of these schools have populations of English language learners. The program is used from Pre-K to second grade.

Sutton and Bonner Elementary are two of the key schools with high numbers of Hispanic students who are English-language Learners. Table I-13 presents student enrollment and free lunch status. Table I-14 presents demographics of the teaching faculty. Table I-15 gives achievement profiles in both English and Spanish for grades 1 and 2.

Table I-13.
RITE/Rodeo Program
Enrollment Data and Free Lunch Status
Two Selected Elementary Schools

	Bonner Elementary	Sutton Elementary
Enrollment		
Total	831	1,352
Kindergarten and Pre-K	132	339
Grades Served	K-5	EE-5
Students by Program		
Bilingual Students	54%	51%
ESL	4%	18%
Limited English (LEP)	58%	72%
Free/Reduced Lunch	96%	91%

Table I-14.
RITE/Rodeo Program
Teacher Profile at Two Elementary Schools

	Bonner Elementary	Sutton Elementary
Years of Experience		
5 or less	38%	49%
6 to 10	31%	12%
11 or more	31%	39%
Teachers by Program		
Regular	29%	30%
Bilingual/ESL	55%	51%
Special Education	17%	12%
Advanced Degrees		
Masters	33%	15%

Table I-15.
RITE/Rodeo Program
Schoolwide Student NCE Score and Percentile

	Bonner Elementary				Sutton Elementary			
	97-98 Score		98-99 % ile		97-98 Score		98-99 % ile	
SAT 9 (Reading in English)								
Grade 1	41	33	59	67	47	45	49	47
Grade 2	48	46	49	47	43	37	47	45
SAT 9 (Math in English)								
Grade 1	31	19	49	47	43	37	42	34
Grade 2	43	37	47	45	38	29	41	33
Aprenda (Spanish Reading)								
Grade 1	55	60	40	32	49	47	69	82
Grade 2	60	68	50	50	55	60	72	86
Aprenda (Math in Spanish)								
Grade 1	40	32	48	46	59	67	58	66
Grade 2	54	58	55	60	62	72	62	72

Entry/Exit Criteria

Students are typically in the program from Pre-K to second grade. Pre-K is half day, and K, 1, and 2 are full day programs. Occasionally a student will remain in the program for a portion of the third grade until he or she completes the SRA Reading Mastery Program or the language arts program. The average length is three years if preschool is included.

The schools are all neighborhood schools. All students in the school (be they native English speakers or English-language learners) are in the RITE program using the SRA Reading and Language programs. Teacher demographics are listed in Table I-14. The costs are detailed in the cost report. There is an additional stipend for certified bilingual or ESL teachers.

Materials and Assessments

Curriculum

Curriculum is the SRA Reading Mastery and the SRA Language for Learning. These are refined versions of the curriculum materials used in Project Follow Through. The SRA curriculum is supplemented with trade books, i.e., children's literature. However, unlike these earlier programs that

typically began in first grade, RITE begins in Pre-K.

Assessments

Formative. Students' reading progress is assessed every five lessons using Mastery Tests that accompany the program. Students complete a mastery test on phonemic awareness and phonics awareness and other skills taught. Also, reading fluency rate and accuracy is recorded. In Level 2, only reading fluency is assessed. For the language program, the curriculum progress rate of each instructional group is reviewed to assess whether the group is progressing at an acceptable rate. It is important to note that student growth in reading fluency is carefully reviewed by the trainers and the principals, and that classrooms are visited at least once a week. Data are examined to see which students need extra help and/or need to be placed in a more accelerated or less accelerated instructional group.

Summative. The Stanford Achievement Test Series, Ninth Edition (SAT-9) is given each spring beginning in kindergarten. This test has reading, pre-reading, and language sections. Some schools test students in both fall and spring on the Iowa Test of Basic Skills. Student growth on these measures is carefully reviewed.

Progression of Students through the Program

Best case scenario of a progression. Students will complete SRA Reading Mastery Level II by the middle of second grade and then enter either Horizon (a basal reader based on principles of direct instruction) or a typical district basal series such as HBJ or Open Court.

Worst case scenario of a progression. A student has not completed Reading Mastery-One by the end of first grade. If this is the case, the supervisor/trainer works with the teacher to assess what has gone wrong. If problems persist, the student is moved to a classroom where the teacher is deemed to be more proficient.

Language Proficiency Tests

For Pre-K, Kindergarten, and first grade, only oral language proficiency is assessed. The measure used is the Language Assessment Scales. This is the most commonly used oral language measure in the US. Houston Independent School district follows conventional criteria: Students with scores of 1, 2, or 3 are considered LEP. Those with higher scores are no longer considered LEP.

In second grade and beyond, an assessment of written proficiency in the English language is also required for both classification as LEP and ultimately for declassification. In grade 2 and grade 3, scores on the Language subtest of any standardized achievement test such as the SAT9, ITBS, or CAT are used. To lose the LEP classification, students must score at or

above the 40th percentile on these nationally standardized tests on the Language subtests. Beginning with the end of third grade, scores on the Language subtest of the TAAS (Texas's state assessment) are used for classification decisions.

Staffing Model/Teacher Training/Professional Development

The RITE program involves extensive professional development. Note however, that the professional development is no more or less extensive for teachers with English-language learners in their classes than for those with native English speakers.

Staffing Model

There are typically 22 students per teacher. Most teachers have a paraprofessional assist for about one hour per day. Some of the Title One schools have CRSTs (class reduction size teachers). In those rooms, the ratio for reading and language arts is 16:1. Again, the classroom reduction teacher program is not unique for classes with English-language learners. It is part of a district initiative to improve achievement by lowering class size for reading and language arts.

Certification

Most of the teachers who work with English-language learners are certified bilingual education teachers or have an ESL endorsement. Some are working on certification in HISD's alternate certification program. Only a very small portion are not certified at the current time.

Professional Development, Training and Monitoring of Reading and Language Arts Instruction

Regularly scheduled trainings

Professional development is extensive in these schools. It begins with a three-day summer institute. There is a follow-up Saturday institute in October. Additionally, there are monthly two-hour training sessions held throughout the year.

During the formal training sessions, teachers learn the direct instruction teaching techniques, the subtleties of instructional strategies such as error correction, and how to maintain a high success rate during a lesson

They also learn about program extensions for English-language learners such as how to build vocabulary and test taking skills. They also hone in on how to teach key phonemic skills such as sound blending. Content for these meetings may evolve from problems the trainers see in their weekly class-

room observations, or issues raised by teachers in their debriefing with the trainers.

In addition, each classroom is observed at least once a week by the trainer. The trainer also reviews the weekly assessment data. During brief informal meetings, teachers receive ongoing technical assistance on proper use of the programs, how to use assessment information to provide additional practice to students struggling with a new skill or concept, and how to tailor instruction to meet the needs of English-language learners with the direct instruction programs.

A major focus in the informal weekly meetings with the trainer is review of the student academic progress data and how to use these data to make instructional decisions. Teachers also receive feedback on weekly observations from the trainer. The trainer may work with the teacher on specific teaching techniques or strategies that seemed problematic, or answer any questions teachers have.

Sheltered English techniques are taught to all teachers in the RITE program, even those who currently have no English-language learners in their class.

Paraprofessionals also receive training. The most skilled actually teach reading to small groups. Others grade papers, and monitor students doing independent work and answer questions students may have while working independently. The assistants are in the room for only one hour per day. The paraprofessionals receive the same essential training as the teachers except it is adapted to what their classroom tasks actually are.

Incentives/Recruitment

Graduate credit is given for training with the University of Houston. Thus teachers receive graduate credit for their participation in the RITE program. Teachers with certification in bilingual education or ESL receive an additional stipend of approximately two to three thousand dollars. This is district policy.

There are also several other incentives. Each year there is a special dinner at the Astrodome for RITE teachers. Small gifts such as sweatshirts are given as morale boosters.

Compensatory Instruction

Summer school is available for English-language learners as well as native English speakers. Between 50 and 70 percent of students attend the four-week summer school program. Another special feature for all Title One schools, including the RITE schools, is the CSRT program. Effectively this reduces class size for reading/language arts from 22 to about 16. A special teacher pulls out six students for their core reading and language arts instruction in many rooms. Thus the teacher is only responsible for teach-

ing 16. This is not unique for English-language learners.

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Seattle School District's Elementary Schools
The Bilingual Orientation Center Programs

Scott K. Baker
Eugene Research Institute

Seattle School District Bilingual Orientation Programs for English-Language Learners

Programs for English-language learners in the Seattle School District have not changed substantially since 1996 when the READ journal reported on the district's success with this population (Baker, 1996). The state of Washington mandates bilingual education for students with a primary language other than English, but many "bilingual" programs, such as those in Seattle, do not provide extensive primary language instruction. They are called bilingual programs, but teach primarily in English, using structured

immersion techniques. Students may be supported in their primary language during instruction by an instructional assistant, but the dominant language of instruction is English.

Washington state law requires transitional bilingual education programs when there are sufficient numbers of LEP students from the same language background, or, where instruction in two languages is not practicable, as established by the district superintendent, the state law allows an alternative system such as ESL to be used.

In September 1993, Evergreen Legal Services, a public advocacy organization, brought suit against the Seattle School District on behalf of a student, Sang Van, and the class of all limited-English proficient students and their guardians *(Sang Van v. Seattle School District)*. A number of complaints were alleged in the lawsuit, including a lack of certified native language teachers, inappropriate assignments of LEP students, locations of bilingual program schools, and lack of sufficient materials in the native language.

Seattle's LEP population had grown rapidly in the 1980's to 6,000 students (out of a total enrollment of 45,000 in the district) from 90 different language backgrounds. While the district tried different variations of bilingual and ESL programs, by the 1990's they determined that it was no longer feasible to implement full bilingual instruction programs for every language group. Thus, the district availed itself of the provision in state law for providing alternative programs. This policy on LEP students coincided with the implementation of a new School Based Management initiative in the Seattle schools that allowed each school to design its own organization and provided funding to support smaller classroom size, team teaching, and other features.

On April 18, 1995, a settlement was signed by all parties to this suit which set forth in detail the way in which the district meets its obligations to LEP students, with regard to monitoring academic achievement, curriculum development, staff recruitment and training, and other program features. This settlement did not force the Seattle district to change its policy on the education of LEP students, and the district was not directed to provide more native language instruction than it deemed suitable. Due in large part to the political pressures brought on by the lawsuit, the district refers to its programs for LEP students as "bilingual" although they do not meet the definition of such a program in their implementation and actually closely resemble English immersion.

The primary program for English-language learners who are new arrivals to the district is the *Bilingual Orientation Centers.* In this report, I first provide historical background on the growth of the English-language learner population in Seattle's schools. Then, I discuss the Bilingual Orientation Centers, focusing primarily on programs in the elementary schools, but also touching on the one secondary program. In the last part of the report, I

briefly describe the regular program English-language learners typically transition into when they exit the one of Bilingual Orientation Centers.

Background

In the fall of 1970, the Seattle School District established an official program for English-language learners. At that time, the program served only about 100 students. By 1993, 11,117 of the district's 44,962 students (24.7 percent) had a non-English language spoken at home. Of these 11,117 students, 6,185 (55.6 percent) were in programs for LEP students.

Before 1970, students were informally served at individual schools throughout the district. The end of the Vietnam War resulted in a tremendous increase in the number of students from Southeast Asia who entered Seattle schools. This increase continued until approximately 1982, when a shift in the student population occurred.

The influx of large numbers of English-language learners increased, but these new arrivals represented many geographic regions of the world including large sections of Asia and Latin America. Since 1996, there has been yet another change; new arrivals have come increasingly from Spanish-speaking countries. Currently, there are over 100 major native languages spoken at home by students and their families in the Seattle School District.

Students are served in the district's programs for English-language learners if their native language is not English, and they earn a language proficiency score of 1, 2, or 3 on the oral sections of the Language Assessment Scales (LAS) (De Avila & Duncan, 1987). Exit criteria, for determining that students no longer need services, is based on a scholastic achievement test to determine that students are adequately prepared for full time English language instruction in the mainstream. Students are typically exited from programs if they score at or above the 35th percentile on a standardized test of reading and language proficiency.

The Seattle School District also exits students from programs if district personnel believe students have the ability to perform successfully in the mainstream, and parents choose to discontinue service, which they indicate by signing a waiver, even if the student has not scored at the 35th percentile on a standardized test of reading and language. In these cases, teachers with expertise in working with English-language learners review the student's academic progress reports, and discuss with the general education teacher the possibility of a successful mainstreaming experience for the target student.

After such a review, a decision to "trial exit" a student may be made. The ESL teacher and classroom teachers review a student's classroom progress at each marking period. If the student is making adequate progress, the

child is no longer directly served. A student may not remain on trial exit more than one academic year. During the reintegration, the student may still receive some native language support from a bilingual instructional assistant on an as-needed basis.

Bilingual Orientation Centers: Characteristics of the Students Served

The well publicized success of the regular programs for English-language learners in the Seattle School District depends, in part, on the quality of the Bilingual Orientation Centers that prepare many students for these programs. Students who have recently arrived in the United States, or are new to the Seattle School District, and have very limited English proficiency usually attend one of five Bilingual Orientation Centers to help prepare them for the regular programs for English-language learners. Students typically stay in one of the centers at least until the end of the semester in which they arrive. Many students remain until the end of the next full semester if this will better prepare them for the regular programs.

The primary purpose of the Bilingual Orientation Centers is to prepare students as quickly as possible for successful experiences in the regular bilingual program for English-language learners. There are four elementary Bilingual Orientation Centers in the district.

The percentage of students by native language group is presented in the following table. Each program has approximately 60 students at any given time during the year. Because the number of students entering the programs and exiting into the regular programs for English-language learners changes dramatically during the course of the school year, the number of children served in the centers is much higher. The table shows that the major language group being served in each center is Spanish. This represents a substantial change from five years ago when the predominant language group served was Vietnamese.

Table I-16.
Seattle Schools
Elementary Bilingual Orientation Center Language Populations
December 2000

Languages	T. Marshall	John Stanford	TOPS	Fairmont Park*
Spanish	55%	67%	49%	100%
Somali	11%	0%	12%	0%
Mixed Chinese	6%	7%	8%	0%
Oromo, Amharic, Tigrigna	9%	0%	0%	0%
Japanese	0%	10%	8%	0%
Filipino languages	11%	4%	0%	0%
Vietnamese	5%	6%	16%	0%
French	0%	0%	6%	0%
Other	3%	6%	7%	0%

*Start-up program

Entry/Exit Criteria

All English-language learners who are new arrivals to the country are assessed on the LAS to determine eligibility for one of the Bilingual Orientation Centers. If students score less that 50 percent on the oral subtests of the LAS—lower than approximately the 33rd percentile—they are eligible for the program.

Eligible students can either participate in one of the Bilingual Orientation Centers or attend their neighborhood school and receive ongoing tutoring from an instructional assistant, who frequently will be fluent in the student's native language. The majority of parents opt for the district's recommendation, which is to first attend a Bilingual Orientation Center, and then transition into the regular program for English-language learners. Approximately one-quarter of the parents choose to bypass the Bilingual Orientation Center, typically so they can send their child directly to the neighborhood school, where they participate in the regular program for English-language learners.

Exit criteria from an elementary BOC does not include performance on the LAS. Instead it depends on consistent student performance on a district BOC English-language learner *Progress Report* detailing how well students are doing in their ability to (a) comprehend and speak English, (b) read in English, and (c) write in English. Students are regularly evaluated on their emerging abilities in these areas and when they demonstrate *consistent use* (as opposed to *developing* or *needs more time*), they are moved toward program exit. For elementary students, consistent use in approximately seven descriptive categories signals the teaching staff that the student may be ready for the regular program. When students transition to the

regular program for English-language learners, they are monitored closely. The typical scenario is that they receive a more concentrated level of service from an ESL teacher, and an instructional assistant who is assigned to work with them for the first few months, to make sure the student is understanding the lessons and is able to keep up with the assignments.

Curriculum Materials

Preparation in a Bilingual Orientation Center involves two broad strands. First, students are provided with intensive ESL instruction. For those students whose native language is one that the district has trained instructional assistants in, primary language support is provided on an as-needed basis to support English language acquisition and to allow students to continue to make progress in general content knowledge while they are learning English. Second, focus is placed on helping students who may be unfamiliar with schooling in the U.S. generally, or with the Seattle schools specifically, navigate the public school system. Like other urban districts, many recent immigrants to Seattle have attended school sporadically in their native countries. These students benefit from opportunities to learn and experience broad aspects of how schools function in the United States. Bilingual Orientation Centers help students learn and experience what schools are like in this country in a non-threatening atmosphere.

The instructional approach in the Bilingual Orientation Center classrooms is based on a natural approach to language development. The ratio is ideally not more than 20 students to 1 certified teacher, and an instructional assistant is usually assigned to each classroom for a large part of the day. Staffing adjustments occur, involving certified personnel, as the number of students in a center change during the year. Focus is on the rapid development of communication skills through many interactive instructional strategies, including oral modeling with sentence frames, questioning allowing non-verbal responses, language experience, and activities aimed at kinesthetic learners. There is a consistent focus throughout the centers on achieving very high levels of student use of the English language in the classroom through a wide array of activities.

The curriculum is best described as eclectic, with an emphasis on immersing students in authentic and realistic learning situations. The following is a list of specific materials and activities used frequently in Bilingual Orientation Center classrooms.

1. The Science Research Associates (SRA) Photo Library contains thousands of realistic pictures and suggested activities that teachers use for a variety of purposes. The photos are used to initiate and organize discussions, to sort things by categories, as a simple labeling activity, and to engage in more complicated verbal interactions such as sequencing.

2. The Picture Dictionary by Hampton Brown is used to stimulate interactions involving more academic types of language, while maintaining a focus on authenticity. A similar product by Oxford, from the National Textbook Company, has also been popular. The best of these materials also contain transparencies that teachers and students can use to engage in more extended discussions.

3. Nystrom Maps and Globes and Rand MacNally Bigbooks are among the most popular materials teachers use for introducing students to geography and geographical concepts.

An important point, and frequent problem, has been accessing curricula materials that are large enough so that all students can see them during a teacher-led lesson, and facilitate student observation of important features and details. It is problematic that whereas large visual materials are readily available and appropriate for younger students this is not the case with older students.

Teachers are increasing their use of projectors with the capacity to display material from CD-ROMs. CD-ROMs have enormous potential to provide the types of visual image teachers say their students need, and there are many sources appropriate for older students. One of the most popular has been the CD-ROM interactive material from *Steck-Vaughn*. Others include:

- *National Geographic* materials—in particular their videos—are very popular with teachers. The children's magazine is too difficult for students to read, but the pictures and concepts can be used as a source for discussions. *Zoo Books* from *National Geographic* are popular because they deal with a favorite subject (animals) and do so one animal at a time.

- *Easy Aides* materials are used to build extended communication skills. The 8.5 by 11 inch line drawings, such as "Tell the Doctor," are used to initiate discussions about common every-day themes.

- *Scholastic* materials, especially Bigbooks, are a popular in teaching reading. Adaptations of common fairy tales contain lots of rhymes and repetitive words that are appropriate for older students. Beginning reading is a real strength of the program. The very specific and goal oriented learning context helps students focus, and the face-to-face interactions promote numerous opportunities for verbal interactions.

- Phonics instruction is a critical component of reading instruction, helping students link sound-symbol relationships to meaningful words in a new language.

The Bilingual Orientation Centers use a combination of language experience and phonics in their instruction. Sight word reading is popular

because students can match words to pictures and develop vocabulary and reading simultaneously.

Phonics is used to provide students with the foundational skills they need to read on their own. The degree of whole word reading to phonics varies among learners and teachers. But there is a great deal of consistency among teachers in stressing the importance of contextualized learning.

Instruction is theme based. Teachers share the idea that if students can begin to master certain terms and concepts in a narrowly defined area (i.e., a specific theme) they can quickly become an "expert" in an area and engage in meaningful discussions and extended, challenging learning opportunities. This type of learning situation is also conducive to working on more formal aspects of language development, such as changing tenses and syntax.

Extensive review is built into the lessons and curriculum. During each week, approximately one-half of a day will be devoted explicitly to reviewing previously taught material. This is in addition to the extensive review teachers do every day on an ongoing basis during instruction. Some of this instructional review is done in small groups, where students take more and more responsibility for directing the learning situation. Games, such as Content Bingo, are also used as a way to review.

Finally, field trips are used extensively. They provide the context for learning opportunities that can last a week or longer. There is a minimum of four field trips per year, but many of the center classrooms exceed this number.

Progress of Students through the Program

Teachers gauge student progress on an ongoing basis through daily classroom interactions. The goal is improved proficiency with academic and communication skills in English. Formal progress reports are used to monitor how well students are moving toward exiting the program. Students typically are ready to exit the program after they have been in the program for at least one semester. Only occasionally do students stay in the program longer than one year. However, the number of students who are staying longer than one year is increasing. The district attributes this to a growing percentage of students arriving from very high poverty backgrounds, and most importantly to the growing percentage of students arriving who have sporadic literacy experiences in their home countries.

Staffing Model/Teacher Training/ Professional Development

All new teacher hires in the Bilingual Orientation Centers have a bilingual endorsement from the state of Washington (some have been grandfathered

into the system). The endorsement allows them to teach in one of the Bilingual Orientation Centers or in the regular program for English-language learners. In many of the centers, the teachers have been teaching in a center classroom for many years, sometimes 20 or more. A teaching position in one of the centers is considered an excellent assignment. Students are highly motivated, they work hard to learn the content and the new language, there are few behavior problems, and the curriculum is enjoyable for teachers.

Teachers have a great deal of flexibility in developing lessons, and the goal of concentrating on realistic and authentic learning situations to build students' communication skills is one that most teachers find interesting and challenging.

It is considered an advantage that the Bilingual Orientation Centers essentially operate as a school-within-a-school. Center classrooms are not as closely tied to the district's standards for academic outcomes as other programs because the focus and goals are different. The district is trying to align the centers more closely to district standards, but they are attempting to do so in a way that makes sense for students who are very new at learning English.

Staffing Model

At the beginning of the school year the staffing ratio in each of the Bilingual Orientation Center classrooms is approximately 14 to 1. It increases after that and usually stays close to the 20 to 1 limit. If it gets higher than 20 to 1, every effort is made to hire an additional certified teacher.

Instructional assistants play a key role in the Bilingual Orientation Centers. Whenever possible, assistants speak the native language of students in the center and provide support in the student's native language during instruction. However, there are close to 100 different native languages spoken in the district, and native language support is provided in only a small percentage of those languages. In terms of the actual numbers of students who receive native language support, the percentage is quite high because most of the students speak a language the district is able to support.

Each Bilingual Orientation Center has the equivalent of two full-time instructional assistants, and most centers budget for more than the minimum required. Each building must fund one full-time instructional assistant through building funds; the rest are funded by central administration. Instructional assistants must have attended two years of college either in the U.S. or another country. Their English proficiency is also judged during an interview and must be considered acceptable. At the secondary center, the instructional assistant must also be proficient in mathematics and be able to assist students in that subject area.

Professional development for instructional assistants begins with a half-

day orientation. Additionally, most buildings provide ongoing training and support as part of the building plan. At schools with more experienced teachers, there is more support for the ongoing training of instructional assistants because experienced teachers believe that having highly trained instructional assistants, improves program quality significantly.

Ongoing professional development is not connected to the salary structure for instructional assistants, but they are paid to attend any training activities that occur outside of normal work hours.

Professional Development and Ongoing Training

Professional development for teachers, and instructional assistants, in the Bilingual Orientation Centers is provided through a number of contexts. Budgeting in the district is primarily building based, which means the principal and staff have a great deal of leverage in determining budget decisions for the school. One of the best avenues for professional development comes from teachers serving as their own advocates, i.e., making a case that they or their instructional assistants need certain training and workshops to better serve their students.

The district also plays a key role in providing professional development opportunities to teachers in the Bilingual Orientation Centers. Teachers are typically provided support to attend two professional development workshops per year. The district also provides support for some teachers or administrators to attend professional conferences.

Professional development is not a requirement in the district, but nearly all of the teachers engage in some type of ongoing professional development, partly because these activities are tied to the district's salary structure.

There is also an annual summer institute put on by the Department of Teaching and Learning in the district. This is open to both certified bilingual education teachers and general education teachers as a way to foster beneficial collaboration and to promote more seamless services to English-language learners. The major benefit to the general education teachers is that they learn ways to make content more accessible to English-language learners through verbal interactions between students and teachers, and among students working together.

The Bilingual Education Department in the district also writes a bimonthly newsletter. A portion of the newsletter offers "tips for teachers" in working with English-language learners.

Incentives/Recruitment

Recruitment is not as difficult for teachers at the Bilingual Orientation Centers as it is for other programs in the district. Usually word of mouth is enough to keep positions filled with strong teachers and support staff. The program is viewed very positively among district personnel, which helps draw qualified and skilled teachers. Also, television coverage in the local

area has been positive and has resulted in high interest among teachers to work in one of the Bilingual Orientation Centers.

There is a full-time teacher-consultant, Nancy Burke, who serves the program as an administrator. Ms. Burke taught in the district's programs for English-language learners for many years and her contribution to the ongoing success of the program is critical. She regularly attends professional conferences (e.g., TESOL) and recruits teachers to the district.

Ms. Burke also spends considerable amounts of time troubleshooting in the Bilingual Orientation Centers. Her job, in the context of the Bilingual Orientation Centers, is to make sure the centers are effectively teaching students what they need to know to be successful in the regular program. And because Ms. Burke has expertise in second language learning and instruction, her judgments regarding program quality are critical in maintaining strong programs.

Because students stay in the Bilingual Orientation Centers such a short amount of time, there is a natural consequence when the center is not doing its job as well as it should. The result is that students are not being prepared appropriately, which results in their having a more difficult time than they should comprehending, and when they are transitioned.

The state also is taking an increasing interest in how long students are being instructed in programs for English-language learners. This is true for the Bilingual Orientation Center programs and the regular programs for English-language learners. Increasing pressure is being put on schools to demonstrate that they are actively preparing students for general education classrooms, and to take the state-mandated achievement tests and do well on them.

Seattle's Regular Program for English-Language Learners

Programs for English-language learners have two distinct phases. First students enter a Bilingual Orientation Center. These centers provide intense English language development for approximately one year to new arrivals in the district to prepare students for the district's regular program for English-language learners.

Once students complete their work at the Bilingual Orientation Center, they enter the regular program for English-language learners. The major feature of this program is ESL instruction. ESL classes are designed to help students improve their listening, speaking, reading, and writing skills in English. At the secondary level, sheltered English instruction, with a small amount of native language support furnished by bilingual instructional assistants, focuses on content acquisition in math, social studies, science, and health. Aside from these ESL classes, English-language learners remain in the general education classroom throughout the day.

Instructional assistants may be assigned to these classes to provide primary language support.

At the elementary level, traditional ESL pullout models have given way to more integrated approaches in which eligible students are served by certified staff in the general education classroom. Many schools in the Seattle School District use a combination of models that allows those students who have more limited skills or who have missed significant years of schooling to receive additional support in a more traditional pullout setting.

There are five primary models in the Seattle School District program for English-language learners. Schools are encouraged to be flexible in how they use these models or combine them in ways that make the most sense given the needs of their students. These models are briefly described.

Pull-Out Model. Students are assigned to a mainstream classroom and are "pulled-out" to the ESL classroom for service. These pull-out times vary according to the needs of the students and scheduling issues in the school. Overall, these pull-out classes last 30-60 minutes and serve groups ranging from 5-12 students.

Pull-In Model. The staff trained to work with English-language learners is "pulled-in" to the mainstream classroom to provide services. This frequently includes a bilingual Instructional Assistant who has been trained by the certified teacher and is fluent in the student's native language. Certified teachers trained to work with English-language learners also frequently provide services in the general education classroom. This integrated service provides a good opportunity for English-language learners to learn English that is most directly relevant to the content of the general education classroom.

Basic Skills Block. Students are pulled into a basic skills block on a schoolwide basis. Besides ESL instruction, basic reading instruction is provided by the teacher certified to work with English-language learners. In this model, service is typically delivered for approximately two hours per day. Class sizes average between 15 and 24 students. Many native English-speaking students also participate in the basic skills block.

Blended Model. Students are served in "blended" groups which may include students officially in programs for English-language learners, special education, Title I, or served only in general education. Various combinations of staffing patterns may be used to deliver instruction, depending on the content and the students in the class. Typically, however, blended classrooms are team-taught and the class sizes are reduced.

Tutorial Model. Trained tutors, who are usually fluent in the student's native language, tutor English-language learners on an hourly basis. English-language learners who choose not to attend one of the traditional center schools are provided with tutors. In the typical tutoring model, students remain in their general education classrooms and tutors come on a

part-time basis to work with them. Each LEP student receives direct tutorial service for up to three hours per week.

Data on the Effectiveness of the Seattle Program for English-Language Learners

1. Seattle's implementation of an English immersion program, with some native language support, resulted in impressive achievement outcomes for the district's 6,000 students in special programs for English-language learners.

2. Students enrolled in programs for English-language learners made significant achievement gains compared to the district average, and gains appear to be directly attributable to participation in these programs. Students make the most rapid gains when they participate in these programs for up to approximately four years. When students remain in programs longer than four years, the gains seem to dissipate considerably.

3. Students who successfully exit from special programs earned achievement scores at rates that are comparable to district averages. This finding is true for all major subject areas, including reading, language, and mathematics.

4. The dropout rate for students in special programs is considerably lower than district averages.

5. The graduation rate for students in programs for English-language learners was considerably lower than the district average. For students who successfully exited from programs for English-language learners, high school graduation rates are on par with other students in the district.

6. The overall perception of students, parents, and staff is that the special programs have a positive influence on the educational experiences of English-language learners. (See Baker [1996] for further details.)

References

Baker, S. K. (1996). Getting it right: The Seattle School District program for limited-English proficient students. *READ Perspectives, III*(2), 43-76.

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Phase IV
Incremental Costs and Resources Available to Fund English Acquisition Programs in the Nogales Unified School District

Executive Summary

In February 2001, the Arizona Department of Education (ADE) contracted with two entities for a cost study of English Acquisition programs in the Nogales Unified School District. The Research in English Acquisition and Development Institute (READ Institute) was tasked to provide a qualitative description of the students served by each program currently used in the district to fulfill *Lau v. Nichols* (*Lau*) requirements for limited English proficient (LEP) students. Additionally, the READ Institute was asked to identify the program elements that address unique or extraordinary circumstances of the LEP population in the district. The ADE also contracted with Sjoberg Evashenk Consulting, LLC, to identify and analyze the costs related to the program elements that address the unique needs of Nogales' LEP population that cannot be met within a Structured or Sheltered Immersion program, and to project the resulting costs into 2002 Arizona cost of living dollars. Furthermore, Sjoberg Evashenk Consulting, LLC, was asked to identify all funding sources used by the district to fund its current English Acquisition pro-

grams and project funding available in fiscal year 2002 dollars in total and per pupil.

This report conveys the results of Phase IV of the four-part cost study where the two firms identified the program elements and cost components that address the unique needs of the LEP population in Nogales as well as the funding related to providing LEP services. Generally, both Sjoberg Evashenk Consulting and the READ Institute found that the Nogales district is in an isolated area of southern Arizona on the Mexican border. The community interacts heavily with its adjacent Mexican "sister city" and Spanish appears to be the primary language spoken on both sides of the border. The district, however, believes it essential for students to attain literacy in English and provides, for the most part, Sheltered or Structured Immersion programs for its LEP students. LEP students are "mainstreamed" and provided with language arts or English as a Second Language (ESL) classes to improve their English skills. Those with very limited English skills are provided extra services to bolster learning with the goal of quickly moving these students into mainstream classes. Further, the Nogales district also offers "Bilingual Education Programs" intended to attain literacy in Spanish as a "second language" course.

The READ Institute's review found that, in the Nogales community, Spanish is used more regularly than English and it is possible to pursue a life in the area only speaking Spanish. According to the READ Institute, this accounts for the large number of LEP students enrolled in the Nogales district schools. These students have not been exposed to English and, therefore, are not prepared for academic learning in English. Nogales' unique environment requires that the schools provide special help in second language learning from the first day of enrollment. Each school within the district offers specialized program support to assist their LEP students; for instance, the elementary schools offer a combination of immersion, early-exit transition, and late-exit bilingual instruction while the middle schools and Nogales High School offer ESL programs. Further, not only does the Santa Cruz Alternative High School offer support in Spanish only when necessary, but also each school enriches students' academic experience by providing Spanish language classes, which help maintain the viability of the community language and culture. Generally, achievement scores throughout the Nogales schools tend to be in the low-average to average range.

Sjoberg Evashenk Consulting, LLC, was assigned with identifying the cost elements related to providing services that address the unique needs of the LEP population in Nogales. We found that, similar to other Arizona school districts we contacted, the Nogales district also incurs some additional or incremental costs associated with providing services to LEP students. These incremental components mainly consist of supplementary materials, additional teaching staff, and adult and parent education pro-

grams, as well as bonuses paid to English as a Second Language (ESL) or bilingual endorsed teachers and supplemental staff training in LEP teaching methods. Overall, the district incurs incremental costs of roughly $1.3 million, or $331.60 per pupil, to provide services to its LEP students in the current school year. The district's elementary schools incur $677,317 of the total incremental costs, which is more than either the middle or high schools, which incur incremental costs in the amounts of $357,342 and $268,874, respectively. Projected to 2002, total incremental costs grow to $1,329,604.

However, the current design of Nogales' Structured or Sheltered Immersion programs may not fully address the unique and extraordinary needs of its LEP population. Specifically, because of the prevalent use of Spanish throughout the community, in local television and radio, in businesses, on school playgrounds and in hallways, students have very little exposure to the English language outside the classroom environment. Although Nogales immerses most of its LEP students in mainstream classes taught in English, the students in Nogales do not receive sufficient reinforcement of their English skills outside the classroom and that may add to the difficulty in learning the language. Further, to function successfully in the Nogales area, a student faces the unique need to be literate in both Spanish and English.

To address these distinct circumstances, Sjoberg Evashenk found that the Nogales district is implementing several initiatives within its sphere of control. For instance, efforts have been made to recruit additional bilingual staff, make LEP programs coordinated and consistent across schools, and improve student performance on test scores. In addition, the district will continue to offer English education to adults and parents in Nogales, helping the English language more fully penetrate into the community and homes where students spend their time—thus creating an environment where students have more exposure to English. While Sjoberg Evashenk believes these efforts will assist in addressing the unique needs of the community and cost the district $277,600, it appears unlikely that these initiatives are sufficient to mitigate the lack of daily external exposure to the English language necessary to support widespread English proficiency in Nogales' student population.

To fund its LEP programs and initiatives to address the unique LEP student needs, Nogales reported more than $1.8 million of total funding available, or $365.86 per LEP student, for the 1999-2000 school year. This amount has increased to more than $1,876,867, or $477.45 per student, for the current school year. However, Sjoberg Evashenk's projections indicate that LEP funds available for the 2001-2002 year will decrease to $1,747,245, or $411.56 per student, primarily due to a reduction in LEP student enrollment. It is important to note that these per student calcula-

tions may change based on revisions currently being calculated by the Nogales district; however, as of May 1, 2001, the district had not yet provided us their revisions. Further, while the calculations of funding available and incremental amounts suggest a "gap," these amounts are not directly related or comparable. Sjoberg Evashenk's review reveals that the total sources of funding, as reported to the ADE by the Nogales district, related to LEP programs have no relationship to the level or amount of incremental costs incurred by the district.

Chapter 1
NOGALES UNIFIED SCHOOL DISTRICT PROGRAMS FOR ENGLISH-LANGUAGE LEARNER STUDENTS, K-12

Rosalie Pedalino Porter
Scott K. Baker

Chapter Summary

The Arizona Department of Education defined the tasks in Phase 4 of the English Acquisition Program Cost Study, as related to program descriptions for the Nogales Unified School District, in these two broad categories:

A. Define the English Acquisition Programs currently used to fulfill *Lau* requirements for Limited English Proficient students in the Nogales Unified School District in Nogales, Arizona. Include a brief qualitative description of the students served by each program.

B. Identify the elements of each program currently used to fulfill *Lau* requirements that address unique or extraordinary circumstances of the Limited English Proficient students in the Nogales Unified School

District. These should only include elements necessary to meet students' needs which cannot be met through a Structured or Sheltered English Immersion program.

These parts of Phase IV of the cost study are the responsibility of the Institute for Research in English Acquisition and Development (READ) and are reported here, while parts C, D, and E have been investigated and are reported by Sjoberg Evashenk Consulting. Parts A through E of the Phase IV report are combined and submitted jointly by the two organizations.

Background of the Cost Study:

While the authors of this study are not attorneys, it is useful to provide a brief review of the legal background, in order to understand better the existing conditions in Nogales and in Arizona leading to the Cost Study. Available documents are reviewed, as follows:

1. Judge Marquez's Order for a Cost Study

On January 24, 2000, Judge Alfredo C. Marquez, Senior U. S. District Judge in the United States District Court, District of Arizona, signed an Order for a Cost Study in the matter of *Miriam Flores et al., Plaintiffs v. State of Arizona, et al., Defendants.*

The aforementioned *Flores v. Arizona* court suit was initiated in 1992 and alleged that the State "was failing to provide limited-English proficient (LEP) children with a program of instruction calculated to make them proficient in speaking, understanding, reading, and writing English, while enabling them to master the standard academic curriculum as required of all students." Judge Marquez's Order describes in detail the repeated delays by the State of Arizona in implementing the Cost Study until the present time. There is serious concern expressed in this document about the insufficient level of funding from the State with which local districts are to cover the extra costs of educating LEP students. (*Judge Marquez's Order for a Cost Study*, October 12, 2000, p. 1)

2. *Flores v. Arizona* Consent Order

This document sets forth the LEP Determination Criteria for students in Arizona schools, with clearly delineated responsibilities of the Superintendent of Public Instruction and of the State Board of Education. Mainly this document requires the selection of tests of English proficiency, cut scores on each test, monitoring LEP students after reassessment, circumstances applying to the writing of LEP Individual Education Plans, and the guidelines for bilingual education and English language instruction.

3. Memorandum by Analizabeth R. Doan, Bilingual/Curriculum Director, Nogales Unified School District, August 19, 1999

Since Ms. Doan is no longer on the staff of the Nogales Unified School District, it was not possible to obtain a full explanation of the *Lau* plan for the district. This document appears to be the testimony of Ms. Doan or the submission of a written memorandum in connection with the *Flores v. Arizona* case. The main points made are the following:

A. The State is not providing sufficient funding to meet the educational needs of LEP students since costs are much higher in districts with very high percentages of such students (as is Nogales) compared to districts with small numbers of LEPs. An allegation was made that this inadequate funding amounted to a case of discrimination against some districts, i.e., Nogales.

B. Various points are made by various expert witnesses as to whether there is discrimination in requiring Hispanic students to pass the high school AIMS and SAT-9 tests; the elements necessary for an LEP program that adequately identifies, services, and monitors LEP students and provides access to an equal educational opportunity, and the costs involved. (*NUSD No.1, Agenda Item Summary, Flores v. Arizona U.S. District Court Case, Discussion Item,* Analizabeth R. Doan, Bilingual/Curriculum Director, August 19, 1999)

4. Report from U.S. Department of Education to Dr. Raul Bejarano, Superintendent, Nogales, September 14, 1994

Apparently there has been an Office for Civil Rights investigation of the Nogales Unified School District in the past and this document may have signaled the conclusion or near conclusion of the matter. Nogales signed a Corrective Action Agreement on May 24, 1993, and subsequently provided sufficient documentation and corrections in "modifying some aspects of the District's approved plan for serving LEP students, and to demonstrate alternative language program (ALP) implemented during school year (SY) 1993-94." The report goes on to state, "This letter contains OCR's analysis of the District's plan and program implementation through SY 1993-94, numbered to correspond with each item of the Agreement. OCR found no compliance deficiencies and is requiring no additional District response in areas not listed below." (Letter to Dr. Raul Bejarano, Superintendent, NUSD #1, from M. Arnold Chavez, Branch Chief, Compliance Enforcement Division II, Office for Civil Rights, U.S. Department of Education, September 14, 1994, p. 1)

At the end of this report, the following commendation is given: "OCR

concluded that the District has established and implemented acceptable comprehensive plans and procedures for providing educational services to all LEP students, in accordance with its Agreement. We commend the District's entire staff and School Board for the creativity and commitment they have demonstrated in developing and implementing programs and standards which will ensure quality educational opportunities to all students in the district." (Letter, p. 12) The conclusions from the Office of Civil Rights gave Nogales very high praise indeed.

Part A: General Background on Nogales Unified School District

1. Description of Nogales and Overview of Schools and Programs

Nogales is located approximately 70 miles south of Tucson, right on the border with Nogales, Sonora, Mexico. Nogales, Arizona, is a small rural community of approximately 22,000 inhabitants. Approximately 400,000 people live in Nogales, Mexico.

The main industry in Nogales, Arizona, is its base as a transportation center (trucking) for produce grown in Mexico and distributed in the United States. Recent changes in legislation will make it possible for Mexican trucks to travel in the U. S. and distribute produce directly to major markets. It is unclear how these new laws will affect the Nogales community.

The public school system also plays a large role in the life of Nogales, both as the education system and as a major employer. There are six elementary schools, two middle schools, one traditional high school, and one alternative high school. Approximately 6,000 students are served by these schools. The vast majority of these students are of Hispanic background, the overwhelming number being Mexican-Americans (> 95 percent). Most students speak Spanish as their first language, and many know very little English when they enter Nogales public schools.

Contrary to conditions in many border towns, and many stereotypes about border towns, the stability of the Nogales population is remarkably high. Nine out of ten students attending Nogales schools were born in the United States, and most are natives of this very town. The low mobility rate of the population is an extremely important factor in understanding the character of the public schools. In other cities, where student mobility is high, it is very difficult to craft educational improvements that will offset the disruptive effects of moving from place to place. In Nogales, mobility is not an issue.

The important demographic features are listed in Table IV-1, which identifies the school, the number of students at each school, the percent of students born in the U. S., the percent of LEP students, and the percent of students participating in the free or reduced lunch program, an accepted indicator of family socioeconomic status (SES).

Table IV-1.
Nogales Unified School District Demographics

School	Number of Students	Percent U.S. Born	Percent LEP Low	Percent SES
Elementary Schools				
Bracker	272	95%	81%	88%
Challenger	604	90%	83%	72%
Coronado	710	90%	65%	59%
Lincoln	432	91%	91%	94%
Mitchell	628	90%	85%	96%
Welty	403	94%	73%	89%
Middle Schools				
Desert Shadows	792	88%	72%	63%
Carpenter	649	90%	78%	88%
High Schools				
Nogales High	1636	90%	73%	55%
Santa Cruz Alternative	152	90%	98%	80%
OVERALL	**6438**	**90%**	**80%**	**78.4%**

A number of data indicators in Table IV-1 characterize patterns in Nogales schools that surfaced repeatedly in our talks with administrators and teachers. One of the most interesting findings is that not only a large majority of students but also of staff are natives of Nogales. All but one of the six principals, and all of the teachers and instructional assistants we interviewed, were born in Nogales. School personnel, therefore, are closely connected to the community and the schools, and they made it abundantly clear that they want the best programs available for their students.

The high percentage of LEP students is a second noteworthy finding. There are at least two things about this figure that need to be understood to get a better sense of the community and how the schools operate. The first is that Nogales is a community where Spanish is more commonly used in the community than English. Virtually everyone we talked to about living in Nogales indicated that it is possible, and actually quite easy, to pursue a normal life in Nogales while speaking only Spanish. Spanish is the language used in most homes in Nogales, nearly every business has employees highly proficient in Spanish, and there are a number of Spanish language television and radio stations, and Spanish print materials. Educators we talked to said this is what accounts for the high percentage of students

with a limited fluency in English when they enter kindergarten. Clearly, having spent all their years in the U. S. they have been exposed to English, but their mastery of the language is not sufficient to give these children the readiness for academic learning in English, without some type of specialized program support.

Through elementary school, LEP status is based on standardized language test scores and the normal pattern is that as students move from grades K-5, more and more are reclassified as English proficient. In middle school, however, the classifications are less clear. At the Wade Carpenter Middle Academy, only 91 students are reported to be without English language proficiency, many having recently arrived from Mexico. But a far larger number are reported as LEP (506), and these students are identified by their score on the district writing test. Students who score below a 4, on a 1-6 scale, are classified as LEP, no matter what their fluency or comprehension in English.

2. Programs for LEP Students in the District

According to materials given to us by the central administration of the Nogales Unified School District, there are 11 programs for LEP students designed to meet their needs as English-language learners. These are the program titles and definitions as provided by the District. Later in the report we describe each school's program in greater detail.

Nogales Unified School District #1
Language Education Program Classifications

A. K-6 Transitional bilingual program (#1)
7-12 Structured bilingual program (#2)

1. Early exit transitional bilingual education—students are in a bilingual program three years or less, or up to third grade (if in program since kindergarten). The goal is that the student be transitioned into an all-English class as quickly as possible.

2. Late exit transitional bilingual education—students are in a bilingual program for more than three years, are up to fourth or fifth grades (if in program since kindergarten). The goal is that the student be transitioned into an all-English class by the end of fifth grade.

B. K-12 Bilingual-bicultural program

3. One-way developmental language education program—Spanish dominant English learners are instructed in both English and Spanish throughout elementary grades. The goal is that both academic English and Spanish are developed.

4. Two-way developmental language education program—both English and Spanish dominant students are instructed in both English and Spanish throughout elementary grades. The goal is that both academic English and Spanish are developed.

C. English as a second language program

5. ESL pull out—students are taken out of the mainstream instructional program and taught English.

6. Content ESL—students are learning English using content subject areas.

7. Sheltered English—all instruction (abstract and academic language along with content) is made comprehensible through the use of guarded vocabulary, visuals, cooperative learning, and hands-on activities, while teacher checks frequently for understanding and student learning.

8. ESL self-contained—students are homogeneously grouped and not instructed together with mainstream students, most of the day.

D. No program

9. Language Education Individual Education Plan (LEIEP)—because of a parent request to the principal, student achievement is being monitored using NUSD's Language Education IEP.

10. Mainstreamed English Learner—student is not in any of the above-mentioned programs.

E. Special Education Accommodations

11. Special Education Individual Education Plans (SEIEP)—the student has been identified as requiring special education services and his/her language education program has been outlined in his/her special education IEP.

It must be said at the outset that we did not find eleven distinct programs in the schools; that in our professional opinion there are really no more than three or four identifiable programs in place; and that we were informed by administrators that the above list is due for streamlining very soon to reflect the realities in Nogales.

The efficient way to describe the program types being implemented in Nogales is to list the schools by name that are providing the same recognized models, as follows:

Elementary Level

Challenger, Coronado, Lincoln, and Mitchell Schools use structured English immersion programs (# 5, 6, and 7 above) for virtually all of their LEP students.

Welty School uses an early-exit transitional bilingual education program (#1) for over half of its students in grades 1 and 2, and some strategies from #5, 6, and 7 in grades 3-5. It is in grade 3 that LEP students begin the gradual transition into the regular mainstream program.

Bracker School has a more complex program which includes elements of early and late exit bilingual instruction (#1 and 2), combined with a two-way bilingual education program (#4), as well as regular mainstream classrooms taught in English. The goal at the school is for students to be fully proficient in two languages at the end of elementary school.

Secondary Level

At the middle schools and the Nogales High School, there is a straightforward ESL program that embodies elements of #5, 6, and 7. All the schools that are implementing English immersion programs also provide Spanish-language as a subject to some degree, except the Mitchell School which did not provide it this year but plans to do so next year. The Santa Cruz Alternative High School has a special program that offers more content and literacy support in Spanish than the other secondary schools.

3. Superintendent's District Goals for 2000-2001

On October 16, 2000, a set of District Goals for the 2000-2001 School Year was adopted by the Nogales Unified School District, including a Statement of Commitment by the Governing Board, as follows:

District Mission and Belief Statement

By working as a team, within a positive environment all students will be successful, responsible, culturally appreciative, critical thinkers now and through the 21st century.

Goal 1:

To align the curriculum and instruction at all school sites, both horizontally and vertically, to the state standards, AIMS, and Stanford 9.

Goal 2:

To have most students achieving higher than average at all grade levels on the AIMS and Stanford 9.

Goal 3:

Decrease by 20 percent the exemption rates for Limited-English Proficient students on all standardized tests.

Goal 4:
That by 2001-2002 classrooms will have student-to-teacher ratios of 22:1 at K-2; 25-1 at 3-5; and 28:1 at 6-12.

Statement of Commitment

The Governing Board is committed to working toward better teacher salaries and benefits, and the recruitment and retention of qualified professionals.

Nogales Unified School District is in a state of major transition this 2000-2001 school year. Dr. Kelt Cooper, the new superintendent, took office in August 2000, as did Ms. Anna Rosas who was appointed at about the same time to assume the duties of the Bilingual Education Program Coordinator who had left the district. Her position is now called "Assessment Director," reflecting one of the major responsibilities of her office as the administration of entry level and other tests to students enrolling in the district schools, to determine their status as possible English Language Learners. (The terms "Limited-English Proficient [LEP]" and "English language learners" are used interchangeably in this report.)

Other changes in administrative staffing include the appointment of Dr. Marcelino Varona as Assistant Superintendent of Facilities (April 2001), and a search for an Assistant Superintendent for Curriculum and Instruction that is not yet complete. New principals have been appointed this year from within the district to the Challenger and Mitchell schools, two of the six elementary schools, as well as an interim principal for Nogales High School. The Mitchell School is in its first year of a new, intensive English Acquisition Program. Replacement of the data entry specialist in the Assessment Office has occurred in recent months, with plans for a new program for recording student data being explored.

In addition to the changes in leadership positions and the introduction of new system goals and policies, the Arizona state law on the education of English language learners changed dramatically with the passage of Proposition 203, the English for the Children initiative. A majority of Nogales citizens voted "Yes" on the initiative. This particular change should not be a cause for major disruption since four of the six elementary schools have been implementing structured English immersion programs for anywhere from 1 to 10 years, and the secondary schools have all consistently provided some form of English as a Second Language program for their LEP students.

Taking all of the above conditions together, and considering the very short time frame allowed for the English Acquisition Program Cost Study, it is understandable that researchers faced serious difficulties in collecting precise data on the Nogales Unified School District.

Part B:
Unique Conditions in Nogales Requiring Other Than Structured English Immersion, and Conclusions

1. School Profiles

Based on researchers' on-site field work in Nogales, i.e., visits to five schools, interviews with administrators, observations of classrooms, and examinations of school documents, the following School Profiles were compiled to provide an overview of each school's demographics, staffing, learning opportunities, and special features.

Bracker Elementary

Principal, Lucina A. Romero

Grades: K - 5

Number of students:
272 - 81% are Limited-English Proficient (n = 219) on school entry

Percent of students born in U.S.: 95%

Percent of students participating in breakfast/lunch program:
Free 73%; reduced 15%

First language of LEP students: Spanish

Types of programs for LEP students:
Late exit transitional bilingual program, some elements of two-way bilingual instruction, sheltered English and content-based English as a Second Language (ESL).

Assessments of Student Progress:
Quarterly grades/report cards; annual review of Language Proficiency Quotient; district writing tests.

Participation in State Assessments:
One-third of LEP students (n = 70) take Aprenda Spanish tests in grades 1-5; two-thirds (n = 150) take SAT-9; AIMS.

Staff Endorsements:
All staff are bilingual; all but one (music teacher) have full bilingual or ESL endorsement.

Staff Development:
Weekly half-day early release for workshops, in-service; intersession training opportunities.

Extended learning opportunities for LEP students:
Intersession classes three times/year; smaller class sizes; after-school programs; summer programs.

Challenger Elementary

Principal, Norma Ahumada

Grades: K - 5

Number of students:
604 - 83% are Limited-English Proficient (n = 501) on school entry

Percent of students born in U.S.: 90%

Percent of students participating in breakfast/lunch program:
Free 62%; reduced 10%

First language of LEP students: Spanish

Types of programs for LEP students:
Innovative Language Program started in 1998; English Intensive instruction from Kindergarten on, initial literacy in English; Spanish language instruction, grades 1-5, 30-45 minutes daily.

Assessments of Student Progress:
Annual review of Language Proficiency Quotient; district writing test; report card grades.

Participation in State Assessments:
All students tested in English on SAT-9 and AIMS with very few waivers (only for new enrollees).

Staff Endorsements:
8 teachers have bilingual endorsement, 1 provisional bilingual, 5 have ESL, 2 have provisional ESL, 12 have no language endorsement.

Staff Development:
Weekly half-day early release for workshops, in-service; intersession training opportunities.

Extended learning opportunities for LEP students:
Intersession classes three times/year; after-school ESL programs; SPED preschool for 3-5 year old at-risk children.

Coronado Elementary

Principal, Annette Barber

Grades: K - 5

Number of students:
710 - 65.3% are Limited-English Proficient (n = 464) on entry

Percent of students born in U.S.: 90%, mostly in Nogales area

Percent of students participating in breakfast/lunch program:
Free and reduced 59%

First language of LEP students: Spanish

Types of programs for LEP students:
Intensive English instruction, literacy and content-based; initial reading in English; Spanish as a foreign language, daily, grades 1-5.

Assessments of Student Progress:
Teacher assessments/report cards; annual review of Language Proficiency Quotient; district writing test.

Participation in State Assessments:
All students take SAT-9, AIMS in English, very few (only new arrivals) given waivers.

Staff Endorsements:
4 have bilingual endorsements, 10 have ESL endorsements, 6 have provisional ESL, and 9 have no language endorsements.

Staff Development:
Weekly half-day early release for workshops, in-service; intersession training opportunities.

Extended learning opportunities for LEP students:
Intersession classes three times/year; after-school programs on early release days.

Lincoln Elementary
Principal, Liza Montiel

Grades: K - 5

Number of students:
432 - 92% are Limited-English Proficient (n = 394) on school entry

Percent of students born in U.S.: 91%

Percent of students participating in breakfast/lunch program:
Free 87%; reduced 7%

First language of LEP students: Spanish

Types of programs for LEP students: ESL

Assessments of Student Progress:
Teacher grades/report cards; annual review of Language Proficiency Quotient; district writing tests.

Participation in State Assessments:
AIMS and Stanford 9 testing in English—all students.

Staff Endorsements:
6 teachers have bilingual endorsement, 5 have ESL endorsement, 1 has provisional ESL, and 10 have no language endorsement.

Staff Development:
Teacher training workshops and Compliance Consultant reports at staff meetings.

Extended learning opportunities for LEP students:
After-school programs for English and Reading; Intersession classes offered.

A. J. Mitchell Elementary
Principal, Angelina Johnson

Grades: K - 5

Number of students:
628 - 85% are Limited-English Proficient (n= 536) on school entry

Percent of students born in U.S.: 90%, mostly in Nogales area

Percent of students participating in breakfast/lunch program:
Free and reduced 96%

First language of LEP students: Spanish

Types of programs for LEP students:
English Language Acquisition Program started 1 year ago; initial reading in English; pull-out ESL tutoring for beginners; no Spanish instruction this year; Spanish language instruction to begin next year in grades 3-5.

Assessments of Student Progress:
Teacher grades and report cards; annual review of Language Proficiency Quotient; district/state writing assessments.

Participation in State Assessments:
All students take SAT-9 and AIMS tests in English, with very few exceptions for new arrivals.

Staff Endorsements:
7 teachers have bilingual endorsement, 11 have ESL endorsement, and 11 have no language endorsement.

Staff Development:
Weekly half-day early release for workshops, in-service; intersession training opportunities.

Extended learning opportunities for LEP students:
Intersession classes three times/year; SPED preschool for 3-5 year old at-risk children.

Mary Welty Elementary

Principal, Javier Barajas

Grades: K - 5

Number of students:
403 - 73% are Limited-English Proficient (n = 293) on school entry

Percent of students born in U.S.: 94%, mostly in Arizona

Percent of students participating in breakfast/lunch program:
Free and reduced 89%

First language of LEP students: Spanish

Types of programs for LEP students:
Transitional bilingual program, English-language development in K; Spanish literacy in grades 1-3, with ESL; transition to English reading begins in grade 3, continues through grades 4 and 5.

Assessments of Student Progress:
Quarterly grades/report cards; annual review of Language Proficiency Quotient; district writing tests.

Participation in State Assessments:
LEP students enrolled in Nogales schools less than 3 years take Aprenda, exempt from SAT-9; AIMS in English.

Staff Endorsements:
7 teachers have bilingual endorsement, 9 have ESL endorsement, 1 has provisional ESL, and 4 have no language endorsement.

Staff Development:
Weekly half-day early release for workshops, in-service; intersession training opportunities.

Extended learning opportunities for LEP students:
After-school Reading and Homework Clubs; 3rd, 4th and 5th grade pull-out program with a retired volunteer teacher; Intersession classes; Newcomer Program.

Desert Shadows Middle School

Principal, Mark Valenzuela

Grades: 6-8

Number of students:
792 - 72% are Limited-English Proficient (n = 572) on entry

Percent of students born in U.S.: 88%

Percent of students participating in breakfast/lunch program:
Free 54%; reduced 9%

First language of LEP students: Spanish

Types of programs for LEP students:
ESL and Sheltered English to develop English language and literacy in English, 1 block of Spanish for some students each semester.

Assessments of Student Progress:
Report cards; annual review of Language Proficiency Quotient; district writing tests.

Participation in State Assessments:
AIMS and Stanford 9 tests administered in English—all students.

Staff Endorsements:
8 teachers have bilingual endorsement, 1 has provisional bilingual, 6 have ESL endorsement, 1 has provisional ESL, 18 have no language endorsement.

Staff Development:
Maria Montano-Harmon Training; Compliance Consultants report to staff.

Extended learning opportunities for LEP students:
Before- and after-school tutoring; intersession classes and summer school.

Wade Carpenter Middle Academy

Principal, Rebecca Holler

Grades: 6-8

Number of students:
649 - 78% are counted as Limited-English proficient (n = 506)*

Percent of students born in U.S.: 90%

Percent of students participating inbreakfast/lunch program:
Free and reduced 88%

First language of LEP students: Spanish

Types of programs for LEP students:
ESL Program to develop English language and literacy 2 blocks daily—Humanities ESL and Social Studies ESL; 1 block Spanish Language and Literacy for all LEP students alternate semesters,

Assessments of Student Progress:
Quarterly grades/report cards; annual review of Language Proficiency Quotient; district writing test.

Participation in State Assessments:
From 85 - 100% of eligible students take the SAT-9 and AIMS tests (only in grade 8) in English.

Staff Endorsements:
8 teachers have bilingual endorsements, 2 have provisional bilingual; 10 have ESL endorsement, 6 have provisional ESL, and 12 have no language endorsement.

Staff Development:
Training provided in ESL/Sheltered English; ADE training in assisting LEP students in meeting state standards and the needs of second-language learners; new teachers given release time to observe experienced teachers in Sheltered English classes; teachers attend workshops and upon

*Only 91 students are reported to be without proficiency in English for regular classroom work (most having recently arrived from Mexico). The rest who make up the LEP number are students who are proficient in English but are below level on the writing tests.

return make presentations to the staff.

Extended learning opportunities for LEP students:
Intersession classes four times/year; mandatory, extended-day remedial programs; parent/community program teaching skills to help parents support student learning efforts.

Nogales High School

Principal (Interim), Karen Conley

Grades: 9-12

Number of students:
1636 - 73.9% are Limited-English Proficient (n = 1193)

Percent of students born in U.S.: 90%

Percent of students participating in breakfast/lunch program:
Free 48% and reduced 7%

First language of LEP students: Spanish

Types of programs for LEP students:
ESL Program to develop English language and literacy, 2 blocks daily.

Assessments of Student Progress:
Quarterly grades/report cards; district writing tests.

Participation in State Assessments:
Eligible students (3 years or longer in U.S.) take SAT-9 and AIMS tests in English.

Staff Endorsements:
14 teachers have bilingual endorsement, 14 teachers have ESL endorsement, 1 teacher has provisional ESL, and 46 teachers have no language endorsement.

Staff Development:
Teacher training and conferences for AIMS preparation, reading, writing, math, study skills—all faculty, September 2000-June 2001; workshop on standard reading techniques for LEP students; workshop on graphic organizers to use with sheltered reading assignments.

Extended learning opportunities for LEP students:
AIMS prep in reading, writing, math—8th period class for sophomores and juniors supported by Title VII grant; free tutoring for all NHS students on Saturdays, January-April 2000, on English, reading, writing, study skills/test taking skills.

Santa Cruz Alternative High School

Principal, Mike Hart

Grades: 9-12

Number of students:
156 - 98% are Limited-English Proficient (n = 153)

Percent of students born in U.S.: 90%

Percent of students participating in breakfast/lunch program:
Free 75% and reduced 5%

First language of LEP students: Spanish

Types of programs for LEP students:
Students from Nogales HS and other Arizona high schools enter ESL programs for 2 nine-week semesters, some stay longer, some test out sooner; special grant specifies goal to be a Bilingual Program High School.

Assessments of Student Progress:
Report cards; progress reports; criterion-referenced tests; AIMS in English; SLEP; Aprenda; diagnostic tests; computer assessments.

Participation in State Assessments: 90% in English; 10% in Spanish.

Staff Endorsements:
3 teachers have bilingual endorsements, 3 have ESL endorsements, 1 has provisional ESL, and 4 have no language endorsements.

Staff Development:
Ongoing training: biliteracy, identifying LEP student needs, assessing LEP students, multiculturalism, language acquisition. 10 teachers attended the Phoenix NABE in March 2001. Teachers' tuition paid to take courses towards endorsement.

Extended learning opportunities for LEP students:
After-school programs; tutorials; content reinforcement in Spanish; alternative classroom presentations and assessments in Spanish, based on student choice; summer school.

2. Performance Data on Stanford 9 Tests–1999 and 2000

In the following table we show selected data on the performance of children in Nogales schools over the last two years, in 1999 and 2000. There are inconsistencies in the way data were organized and reported in the sources we accessed to try to gain a representative picture of student outcomes in reading, math, and language. We used data available on the Arizona Department of Education website, and local data organized by the Nogales school district. Because of data inconsistencies we will not make many inferences. One inconsistency is that sometimes the data are reported according to the number of students who take a particular test; sometimes the same information is represented in terms of the percentage of students who took the test. These are not the same things, obviously, and it would be helpful if future reporting formats were standardized to include both the number of students tested and the percentage of students tested.

To estimate improvements in student performance, it is probably best to view the following table in terms of overall percentile level, and differences between schools at each of the two years. In the elementary grades, in both 1999 and 2000, students tend to score below the 50th percentile, except for Coronado school, where scores tend to be around the 50th and 60th percentiles. When schools do not test close to 100 percent of their students (i.e., Robert Bracker and Lincoln), the scores tend to be higher. It is clear Bracker might not test some students on the SAT-9 because many students are likely to take the test in Spanish for up to three years. It is not clear why Lincoln would not test all of its students, however, since they have an immersion program. Arizona law allowed exemptions from standardized testing in English for LEP students who are in school less than three years until the passage of Proposition 203 in November 2000.

Overall, the patterns of achievement are similar on reading, language, and math. Also, scores tend to be just slightly lower in middle school and high school, except at the alternative high school, where they are quite a bit lower. Generally, scores in Nogales are in the low-average range, except at Coronado, where they tend to be in the average range. It will be important to see how scores change over the course of the next few years, as programs change and become established and as reporting formats improve.

Table IV-2.

Nogales Unified School District
Elementary Schools Stanford 9 Test Scores - READING

	Year 1999		Year 2000	
School & Grade	% Students Tested	Percentile Rank	# of Students Tested	Percentile Rank
A J Mitchell				
Grade 2	70	23	94	30
Grade 3	100	29	71	31
Grade 4	100	23	65	31
Grade 5	100	24	85	39
Challenger				
Grade 2	100	31	31	64
Grade 3	100	30	40	58
Grade 4	100	35	41	59
Grade 5	100	31	73	30
Robert Bracker				
Grade 2	50	46	12	69
Grade 3	78	45	6	36
Grade 4	64	60	30	39
Grade 5	100	32	33	38
Francisco Vasquez de Coronado				
Grade 2	100	54	35	68
Grade 3	100	45	55	67
Grade 4	100	55	44	69
Grade 5	100	50	77	50
Lincoln				
Grade 2	21	63	21	27
Grade 3	14	*	10	43
Grade 4	16	54	30	40
Grade 5	100	22	56	25
Mary Welty				
Grade 2	*	*	7	34
Grade 3	45	46	9	26
Grade 4	100	26	18	50
Grade 5	100	33	25	28

* = Missing Data

Table IV-3.

Nogales Unified School District
Middle and High Schools Stanford 9 Test Scores - READING

School & Grade	Year 1999 % Students Tested	Year 1999 Percentile Rank	Year 2000 # of Students Tested	Year 2000 Percentile Rank
Santa Cruz Alternative				
Grade 9	61	16	26	12
Grade 10	78	15	38	14
Grade 11	56	16	19	15
Wade Carpenter Middle				
Grade 6	100	24	170	30
Grade 7	100	24	133	29
Grade 8	100	29	149	32
Desert Shadows Middle				
Grade 6	100	35	245	37
Grade 7	98	35	213	34
Grade 8	100	43	195	40
Nogales High				
Grade 9	93	27	499	29
Grade 10	100	29	336	32
Grade 11	100	34	195	37

* = Missing Data

Table IV-4.

Nogales Unified School District

Elementary Schools Stanford 9 Test Scores - LANGUAGE

	Year 1999		Year 2000	
School & Grade	% Students Tested	Percentile Rank	# of Students Tested	Percentile Rank
A J Mitchell				
Grade 2	73	12	94	27
Grade 3	100	36	70	34
Grade 4	100	25	65	33
Grade 5	100	20	85	39
Challenger				
Grade 2	100	25	31	53
Grade 3	100	45	40	73
Grade 4	100	39	40	58
Grade 5	100	28	73	36
Robert Bracker				
Grade 2	50	34	12	56
Grade 3	78	59	7	44
Grade 4	64	55	36	38
Grade 5	100	25	35	40
Francisco Vasquez de Coronado				
Grade 2	100	47	46	57
Grade 3	100	52	55	76
Grade 4	100	54	44	74
Grade 5	100	58	85	49
Lincoln				
Grade 2	21	39	27	20
Grade 3	14	*	10	47
Grade 4	16	51	31	40
Grade 5	100	21	55	29
Mary Welty				
Grade 2	40	*	6	22
Grade 3	43	70	10	47
Grade 4	100	32	18	59
Grade 5	100	32	29	28

* = Missing Data

Table IV-5.

Nogales Unified School District
Middle and High Schools Stanford 9 Test Scores - LANGUAGE

	Year 1999		Year 2000	
School & Grade	% Students Tested	Percentile Rank	# of Students Tested	Percentile Rank
Nogales High				
Grade 9	91	27	488	31
Grade 10	100	32	335	36
Grade 11	100	37	195	40
Santa Cruz Alternative				
Grade 9	64	13	26	14
Grade 10	75	16	39	12
Grade 11	56	24	18	18
Wade Carpenter Middle				
Grade 6	100	20	173	24
Grade 7	100	28	132	35
Grade 8	100	24	152	29
Desert Shadows Middle				
Grade 6	100	29	249	35
Grade 7	99	39	216	42
Grade 8	100	37	193	36

Table IV-6.

Nogales Unified School District Elementary Schools
Stanford 9 Test Scores - MATHEMATICS

	Year 1999		Year 2000	
School & Grade	% Students Tested	Percentile Rank	# of Students Tested	Percentile Rank
A J Mitchell				
Grade 2	74	18	95	49
Grade 3	100	33	70	32
Grade 4	100	28	71	35
Grade 5	100	21	86	48
Challenger				
Grade 2	100	39	32	79
Grade 3	100	44	43	58
Grade 4	100	50	43	70
Grade 5	100	43	73	44
Robert Bracker				
Grade 2	50	28	13	62
Grade 3	81	49	8	44
Grade 4	70	57	38	46
Grade 5	100	33	35	*
Francisco Vasquez de Coronado				
Grade 2	100	74	46	72
Grade 3	100	54	55	79
Grade 4	100	69	44	82
Grade 5	100	74	84	67
Lincoln				
Grade 2	23	49	27	58
Grade 3	14	*	10	46
Grade 4	17	65	31	59
Grade 5	100	30	56	35
Mary Welty				
Grade 2	*	*	6	44
Grade 3	43	46	9	29
Grade 4	100	26	18	71
Grade 5	100	33	29	23

* = Missing Data

Table IV-7.

Nogales Unified School District

Middle and High Schools Stanford 9 Test Scores-MATHEMATICS

	Year 1999		Year 2000	
School & Grade	% Students Tested	Percentile Rank	# of Students Tested	Percentile Rank
Nogales High				
Grade 9	92	36	500	39
Grade 10	100	33	337	38
Grade 11	100	34	199	41
Santa Cruz Alternative				
Grade 9	64	18	27	23
Grade 10	75	20	39	21
Grade 11	59	20	18	20
Wade Carpenter Middle				
Grade 6	100	38	172	44
Grade 7	100	35	129	40
Grade 8	100	36	152	38
Desert Shadows Middle School				
Grade 6	100	34	264	40
Grade 7	98	30	225	32
Grade 8	100	31	199	35

Table IV-8.

Nogales Unified School District
Elementary Schools AIMS Results - Spring 2000

School & Grade	Reading		Writing		Mathematics	
	# of Students Tested	Score	# of Students Tested	Score	# of Students Tested	Score
AJ Mitchell						
Grade 3	67	500	67	501	65	468
Grade 5	89	500	90	479	82	486
Challenger						
Grade 3	39	522	39	547	39	501
Grade 5	73	492	72	477	71	466
Francisco Vasques de Coronado						
Grade 3	53	535	54	554	55	528
Grade 5	83	510	85	511	87	525
Lincoln						
Grade 3	10	514	11	511	11	478
Grade 5	15	501	16	485	13	496
Mary Welty						
Grade 3	40	484	42	497	44	447
Grade 5	42	496	25	465	50	456
Robert Bracker						
Grade 3	5	*	5	*	5	*
Grade 5	35	509	35	486	35	491

*Missing Data

Table IV-9.

Nogales Unified School District
Middle and High Schools AIMS Test Results - Spring 2000

School & Grade	Reading		Writing		Mathematics	
	# of Students Tested	Score	# of Students Tested	Score	# of Students Tested	Score
Desert Shadows Middle						
Grade 8	190	485	186	462	190	461
Wade Carpenter Middle						
Grade 8	166	482	166	456	169	452
Nogales High						
Grade 10	345	499	348	461	350	423
Grade 11 (retest)	166	481	215	455	250	427
Santa Cruz Alternative						
Grade 10	16	458	15	417	15	397
Grade 11	24	458	25	421	26	366

Table IV-10.

Nogales Unified School District

Elementary Schools - Arizona Measure of Academic Progress

	1998-1999		1999-2000	
School & Grade	Reading OYG (SR)	Math OYG (SR)	Reading % Exp. Gain	Math % Exp. Gain
Challenger				
Grade 2-3	-	100	101	
Grade 3-4	Yes (3)	Yes (2)	125	142
Grade 4-5	No (2)	Yes (3)	7	44
AJ Mitchell				
Grade 2-3	-	-	116	130
Grade 3-4	Yes (2)	No (1)	98	78
Grade 4-5	No (2)	No (1)	168	160
Francisco Vasquez de Coronado				
Grade 2-3	-	-	68	93
Grade 3-4	Yes (5)	Yes (5)	149	173
Grade 4-5	No (3)	Yes (4)	57	104
Lincoln				
Grade 2-3	-	-	-	-
Grade 3-4	-	-	-	-
Grade 4-5	No (4)	Yes (3)	-	-
Mary Welty				
Grade 2-3	-	-	-	-
Grade 3-4	Yes (1)	Yes (4)	-	-
Grade 4-5	No (1)	No (2)	56	40
Robert Bracker				
Grade 2-3	-	-	-	-
Grade 3-4	Yes (1)	Yes (5)	105	94
Grade 4-5	Yes (4)	Yes (3)	155	141

Note. OYG (One Year Growth): Yes = one or more years of growth based on national norms; no = less than one year of growth. SR = Star Rating

Table IV-11.

Nogales Unified School District Middle and High Schools
Measure of Academic Progress

School & Grade	1998-1999 Reading OYG (SR)	1998-1999 Math OYG (SR)	1999-2000 Reading % Exp. Gain	1999-2000 Math % Exp. Gain
Desert Shadows Middle				
Grade 5–6	-	-	92	8
Grade 6–7	No (2)	No (1)	66	60
Grade 7–8	Yes (4)	No (1)	153	156
Wade Carpenter Middle				
Grade 5–6	-	-	169	283
Grade 6–7	No (2)	No (3)	93	84
Grade 7–8	Yes (3)	No (3)	156	82

Note. OYG (One Year Growth): Yes = one or more years of growth based on national norms; no = less than one year of growth. SR = Star Rating

3. Unique Conditions

The unique conditions affecting the education of Nogales students have been touched on in several places in this report. These are the specific circumstances of English-language learners in the Nogales schools that are different from other districts:

A. Nogales, Arizona, is an isolated community on the Mexican border and the nearest U.S. city is 70 miles away.

B. Nogales, Sonora, Mexico, is the nearest city with a population of 400,000, a city with which U. S. Nogales residents have much contact.

C. The population is strongly homogeneous, i.e., the entire community of Nogales, with minor exceptions, is Spanish speaking.

D. Nogales has a stable population with very little mobility, most residents and school children having roots in the community of more than one generation, including many of the school personnel.

E. All elements of community life are predisposed to maintain fluency in the Spanish language, requiring extraordinary efforts by the schools to promote the English language for fluency, literacy, social, and academic purposes.

F. Parents of Nogales students are documented by school personnel as being in favor of a strong emphasis on English language instruction and promoting high academic performance in English.

4. Conclusion

Considering these circumstances, and applying our own professional judgment, it is our firmly held conclusion that Structured English Immersion Programs can meet the needs of the students in the Nogales Unified School District.

It is precisely because of the unique conditions enumerated above, i.e., geography, demographics, community stability, and parent preference, that programs emphasizing rapid, intensive focus on second language (English) learning and literacy, combined with early introduction of subject matter taught in English with special strategies, appears to be the wisest course. This is the approach being implemented in four of the six elementary schools now, and will be the program in a fifth elementary school next year, as well as in all the secondary schools.

It is essential to note here that this does not mean that the development of language skills in Spanish is neglected. As mentioned in Part B, number 1, all schools (except Mitchell) currently offer daily instruction in Spanish, and Mitchell will be offering a course starting in the next school year.

The Bracker Elementary School staff shares a philosophical belief in the efficacy of the traditional bilingual education approach. It is their belief that their students will perform best through a mostly late-exit bilingual instruction approach, with language and literacy developed first in Spanish, from grades K through 3, and a gradual transition to English instruction beginning in grade 3 and continuing through grade 5. It is the school's goal to develop equal skills in both languages by the end of grade 5, and this goal requires several years of instruction in two languages. Students at Bracker School are not different from all other elementary school students in Nogales, and we found no evidence suggesting that these students could not succeed through an English immersion program. Time constraints did not permit researchers to prove or disprove the success of the Bracker School approach.

Overall, the population of students in Nogales schools is remarkably homogeneous and consistent from one school to the next. All elementary schools serve student populations that are mostly from poverty backgrounds. The majority of students in all of the elementary schools enter kindergarten knowing very little English; at all schools over 90 percent begin school as English-language learners. Most Nogales schools have in fact been providing structured immersion programs for all of their students, and clearly would continue to do so even without the pressure of the new law requiring schools to teach in English. It is interesting to note that the longer a school has provided such instruction, the higher the level of academic performance its students are achieving. The Coronado School began its program over 10 years ago; Challenger School began 3 years ago; and these two schools are ranked first and second in academic achievement at

the elementary level. While it may be said that these two schools have a somewhat lower percentage of students from low SES families than other elementary schools (59 percent and 72 percent, respectively), these are still high proportions of children who are succeeding, relative to other Nogales students, in spite of poverty backgrounds.

Paying heed to parental preference is essential to promoting a high level of support in the home for school programs. In all the schools that have moved to structured English immersion, there had been a former period when they implemented transitional bilingual education programs in Spanish. The principal of Coronado School was remarkably straightforward about the reasons she and her staff believe that English should be taught from the first day of school to all of the students at Coronado: there was unanimity in their belief that it is critical for students to learn English, and to begin working hard on that goal from the first day of school, and that this is the approach that parents have unwaveringly requested.

Norma Ahumada took the position of principal at the Challenger School one year ago, partly because she wanted to implement a structured English immersion program. As a former staff member at the Lincoln Elementary School, Ms. Ahumada and her colleagues witnessed the transformation from a transitional bilingual program to structured immersion and the improved results in student achievement. Challenger School explicitly followed Lincoln's model in setting up its own program and teachers are very pleased with the early results.

The Challenger staff is convinced that while it is easy and comfortable to know only Spanish in Nogales, students with academic ambitions and who may seek work beyond the boundaries of Nogales need a high level of English proficiency. Challenger staff felt that they gave transitional bilingual education their best effort and it had not resulted in students learning English to the level they need for school success. Parents, too, were becoming more and more vocal about wanting the school to teach their children English, to the point where they needed to be convinced of the benefits of a daily enrichment lesson in Spanish. More information supporting the appropriateness of English immersion programs for Nogales students appears in the School Profiles preceding this section.

In an interview with the principal of the Mitchell School, Ms. Angelina Johnson, we were informed of a planning session taking place at the time of our visit. Three elementary school principals, Ms. Ahumada, Mr. Barajas, and Ms. Montiel, were working on a *Structured English Immersion Implementation Plan (Proposition 203)*. The plan calls for staff development activities in the summer months, 2001, to prepare for full organization of the schools for the fall of that year. The plan is in the discussion stage, with the possibility of two-hour English language arts blocks, Sheltered Math, Science, and Social Studies being considered, along with various ways of

providing integrated learning opportunities for LEP students with their English-dominant classmates. Evidently the elementary school principals group is moving ahead with preparations for strengthening and expanding English immersion instruction. Whether the Bracker School will retain its current bilingual programs as a flexible option for parents requesting waivers is not known at present.

5. Summary and Recommendations for Further Research

In conclusion, we restate our affirmation of the special circumstances in Nogales and these are fully recognized by the qualified and experienced school personnel and by the new administrative team. While there may be some few students with special learning problems requiring special education referrals and very special assistance, the overall student population in Nogales is best served in the manner in which it is now being served, for the most part: by being provided with special help in second language learning and literacy from day one of school enrollment. That appears to be the agreed-on first priority in the district. An additional benefit for Nogales students is the enrichment lessons in Spanish from grades 1 through high school which, added to the prevalence of community homogeneity in the usage of Spanish, bodes well for maintaining the viability of the community language and culture.

Considering the transitional nature of the 2000-2001 school year with substantial changes in the administrative leadership, an announced shift to a more centrally coordinated district, the possibility of overhauling the student data program, and the imperative to implement a new state law, it is our strong recommendation that the Nogales Unified School District design an internal school evaluation program to assess the effectiveness of new policies and programs at least for the next three years. For this endeavor to be effective, it is advisable to improve the recording and analysis of test data, by school, to include the absolutely essential information on number and percentage of LEP students participating in the various assessment measures, for a realistic report of student achievement and improvement.

It will be especially useful if Nogales schools adopt a common reporting format, and pursue a policy of excusing students from testing in English only when absolutely necessary (the most common example is students who have only just entered the U.S. and know no English at all). It is better practice to test students in English, even when they have not had three years of English instruction, to confirm what their English performance level really is, rather than speculating, since all children do not enter Nogales at the exact same level of second language proficiency. It is possible to test nearly all students but report the results in two separate categories by coding the test results: an unofficial reporting that gives all scores including LEP stu-

dents (for internal use by teachers and administrators), and an official report, used for comparing schools to each other, but that does not include the scores for newly arrived LEP students and, therefore, does not penalize the school for low scores. It is the system currently in use in California. The unofficial data are valuable for teachers to assess all students' progress and for schools to monitor growth from year to year.

Appendix IV-A
Lists of Documents Examined, Nogales Personnel Interviewed, and Schools Visited

Documents Examined

Internal forms

Language Education Program Classifications
Language Education Program Compliance Mini-Audit, 2000-2001 Guidelines
Identification of English Language Learners, Grades 2 and 12
Reassessment Flow Chart
Checklist for Developing English Learners' Academic Competency
Structured Interview, for students having a language background other than Spanish or English
Multicultural Education Program, Teacher Record
Student Profile - Test Results (sample)
K-1 Parent Notification Letter
2-5 Parent Notification Letter
6-12 Parent Notification Letter
Compliance Consultant's Duties
Compliance Deadlines, 2000-2001
Reassessment and Reclassification Form
2000-2001 Follow-Up of Reclassified Students
Setting Language Proficiency Quotients - Reading, Writing, Oral Language

Enrollment K-12 by Home School - 2000-2001 (updated 1/31/01)

LAS Test Scores (Level 1 [NEP] to Level 5 [FEP]) - Numbers of students at each grade level, by school

Stanford 9 Test Scores - By school, grade, average percentile rank, School Years 1999 and 2000

Lau and State Compliance Mini Audit Reports for each school, 1999-2000

DRAFT - STRUCTURED ENGLISH IMMERSION IMPLEMENTATION PLAN (Proposition 203)

Bracker School's Language and Literacy Program; Descriptions of special lan-

guage, reading, and writing programs; Into English Program; Second Language Acquisition Teaching Methodologies; Comprehensive School Reform Design Grant

Challenger School's Innovative Language Program - An Interim Review of the Program and Its Progress

Wade Carpenter Middle Academy - Life Strategies for Kids, Grant Performance Report, October 2000

Legal Documents
Judge Marques's Order for a Cost Study, January 24, 2000

Flores v. Arizona Consent Order - LEP Determination Criteria for Students in Arizona, rules adopted by the State Board of Education, December 31, 2000

In re Flores v. Arizona - Memorandum by Analizabeth R. Doan, Bilingual/Curriculum Director, Nogales Unified School District, August 19, 1999

Report from U.S. Department of Education, Office for Civil Rights, to Dr. Raul Bejarano, Superintendent, NUSD, September 14, 1994

Nogales Staff Members Interviewed

Dr. Kelt Cooper, Superintendent
Anna Rosas, Assessment Director
Lucina Romer, Bracker School Principal
Michelle Orgui, Bracker School
Norma Ahumada, Challenger School Principal
Annette Barber, Coronado School Principal
Angelina Johnson, Mitchell School Principal
Myrna Alavez, Welty School Compliance Consultant
Rebecca Holler, Wade Carpenter Middle Academy Principal
Jan Sigurdson, Wade Carpenter Dean of Students
Monica Jimenez, Assessment Department, Data Entry Specialist

Schools Visited, April 3-4, 2001

Bracker Elementary
Challenger Elementary
Coronado Elementary
Welty Elementary
Wade Carpenter Middle Academy

Testing English Language Learners for School Accountability

Adapted from a Report Prepared for
San Francisco Unified School District et al.
v. State Board of Education et al.

Susan E. Phillips

Background Information

The following sections include a career summary, a brief account of prior legal work, a description of my role as a consultant to the California State Board of Education and the California Department of Education, and a summary of the basis for the professional opinions expressed in this report.

Career Summary

Currently, I am an independent psychometric and assessment law consultant for a number of state and district assessment programs. Previously, I was a member of the graduate faculty in the College of Education at Michigan State University for 18 years and taught courses in educational measurement with a specialization in legal and policy issues. Prior to joining the Michigan State University graduate faculty, I worked in the test division of Riverside Publishing and at the American College Testing Program in Iowa City, Iowa. My educational training includes a Ph.D. in educational measurement and statistics from the University of Iowa in 1981 and a law degree in 1990.

My research and scholarship activities have included more than 60 presentations at national professional meetings and 30 papers published in

nationally recognized measurement, policy, and education law journals. Topics have included standard setting, performance assessment, testing accommodations for persons with disabilities, modifications for English language learners, testing to award diplomas, the *Golden Rule* remedy, teacher licensure testing, and other issues in assessment law. I am Guest Editor and author of an article on *Psychometric Issues* for a forthcoming special issue of *Applied Measurement in Education* devoted to the *GI Forum* case (administration of Texas high school graduation test to minority students upheld by a federal court). I have also recently completed invited chapters on *Legal Issues in Standard Setting for K-12 Programs* and *Legal Issues Affecting Special Populations in Large-Scale Testing Programs* to be published in edited volumes later this year.

In 1993, I authored an assessment law handbook for policymakers entitled *Legal Implications of High-Stakes Assessment: What States Should Know.* I have also published eight reviews of standardized assessments and technical measurement texts and regularly contribute a legal issues column for the National Council on Measurement in Education newsletter. A full listing of my presentations and publications is provided in my vita filed in this proceeding.

I have 20 years of experience working with large-scale assessments in more than a dozen states and several school districts, including English Language Learner (ELL)[1] assessment issues. I have also worked with professional organizations and test publishers on a variety of standardized test instruments. In addition, I am currently a member of the Technical Advisory Committees for the Voluntary National Test and for the GED high school equivalency test.

Prior Legal Work

In addition to my work in California, I have served as an expert witness and/or consultant for cases in Arizona, Alabama, Connecticut, Indiana, Minnesota, Pennsylvania, Texas, and Virginia involving test disclosure, testing accommodations, test tampering, graduation testing of special education students, evaluating teachers, flagging certification test scores, test security and graduation testing, and teacher licensure testing. I was deposed and testified in the Texas graduation testing case and testified without deposition in two others: a due process hearing in Alabama and a district court case in Virginia.[2]

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[1]Language minority students used to be designated as Limited English Proficient (LEP) in state and federal statutes. The new designation "ELL" will be used throughout this report.

[2]GI Forum v. Texas Education Agency, 87 F. Supp. 667 (W.D. Tex. 2000); Golden v. Birmingham Board of Education & Alabama State Department of Education, IDEA due process hearing, January 1994; Pandazides v. Virginia Board of Education, 752 F. Supp. 696 (E.D. Va. 1990), rev'd, 946 F.2d 345 (4th Cir. 1991).

California SBE & CDE Consultant

I have served as a consultant to the California State Board of Education (SBE) on the selection of a standardized test pursuant to California Education Code (CEC) §§ 60600-60647 and to the California Department of Education (CDE) on the high school graduation test. My work as a consultant to the SBE occurred in November of 1997 and involved a psychometric evaluation of proposals submitted by test publishers for the standardized testing component of the Standardized Testing and Reporting (STAR) Program. My work with the CDE includes a presentation on Setting Performance Standards (March 1998), attending Advisory Committee meetings (November 1998; January 1999), a presentation on Opportunity to Learn and Testing Accommodations (November 1999), and continuing consultation on the high school graduation test beginning in September 2000. My role as a consultant to the CDE has been to provide technical expertise on a variety of assessment issues.

Basis for Professional Opinions

I have reviewed the Leroy Greene California Assessment of Academic Achievement Act (Assessment Act), which includes the STAR Program, the regulations relating to the STAR Program, the Public School Accountability Act, and Proposition 227.[3] In addition, I have reviewed numerous documents in the case of *California Department of Education et al. v. San Francisco Unified School District et al.* and *San Francisco Unified School District et al. v. State Board of Education et al.*,[4] including pleadings, declarations, motions, exhibits, depositions, correspondence, and discovery materials. Further, I have reviewed STAR test materials provided by the publisher, including the Stanford Achievement Test Series, Ninth Edition (SAT9) Form T, designated by the SBE for administration to all California students in grades 2 through 11, and SAT9 test scores and Academic Performance Index (API) ratings from the CDE website.[5]

The professional opinions expressed in this report are based on review of the materials described above together with 20 years of experience in testing, extensive work with state education agencies, test publishers, and the federal government on all facets of large-scale assessment programs, and my own extensive research on testing issues. In particular, with respect to the SAT9, I supervised data analyses for the SAT7, consulted with the publisher's staff on the renormed SAT7+, and reviewed the proposal and supporting technical materials for an evaluation of the SAT9 for the STAR

[3]Cal. Educ. Code §§ 60600 et seq.; 5 Cal. Code Reg. §§ 850-874; CEC § 52050 et seq.; CEC § 300 et seq.

[4]San Francisco Superior Court Case No. 994049.

[5]www.cde.ca.gov.

program. My judgments about testing issues have been informed by extensive experience in the field and through the research and past experience of the profession.

Statutory Scheme: Summary

The San Francisco, Oakland, Hayward, and Berkeley Unified School Districts (SFUSD et al.)[6] joined together to oppose the requirement that ELLs enrolled in the district for less than 30 months in grades 2 through 11 be administered the SAT9 annually beginning in the spring of 1998. Provisions from several state statutes and regulations, including the Leroy Greene California Assessment of Academic Achievement Act, Proposition 227, the Accountability Act, and SBE STAR regulations, when considered together, provide a statutory scheme for the provision and evaluation of public education in California and create the testing obligations challenged by SFUSD et al. Pertinent portions of these Education Code provisions and SBE regulations are summarized below.

The Assessment Act established the STAR program and its guidelines. Relevant sections state:

> It is the intent of the Legislature in enacting this chapter to provide a system of individual assessment of pupils that has, as its *primary purpose*, assisting pupils, their parents, and teachers *to identify individual academic strengths and weaknesses, in order to improve teaching and learning*. It is *further the intent* of the Legislature in enacting this chapter *to determine the effectiveness of school districts and schools*, as measured by the extent to which pupils demonstrate knowledge of the *fundamental academic skills*, as well as the ability to apply those skills.
>
> . . .
>
> (a) There is hereby established the [STAR] program.
> (b) Commencing in the 1997-98 fiscal year and each fiscal year thereafter,... *each school district*,...shall administer to *each of its pupils* in grades 2 to 11, inclusive, before May 15, *the achievement test designated by the [SBE]*.
> (c) [Makeup days].
> (d) [Testing in grades 1 and 12].
> (e) *Individuals with exceptional needs* who have an explicit provision in their individualized education program that exempts them from the testing requirement...*shall be so exempt*.
> (f) At the school district's option, pupils of limited English proficiency who are enrolled in any of grades 2 to 11, inclusive, may take a second achievement test in their primary language...
> (g) Pupils of limited English proficiency who are enrolled in any of grades 2 to 11, inclusive, shall be required to take a test in their primary language if such a test is available, if fewer than 12 months have elapsed after their initial enrollment in any public school in the state.
>
> ...

[6]SFUSD, OUSD, HUSD, and BUSD, hereinafter referred to collectively as SFUSD et al.

Based upon a review of the achievement tests submitted and the recommendation made by the Superintendent of Public Instruction..., the State Board of Education, in its sole discretion, based on the [psychometric, feasibility, cost, and experience criteria stated in § 60644], shall designate for use as part of the STAR Program a *single test* in grades 2 to 11, inclusive, no later than November 14, 1997.

...

In *designating an achievement test*, [the SBE] shall adopt *only a nationally normed test* and shall consider each of the following criteria:

(a) Ability of the publisher to produce *valid, reliable* individual pupil scores.

(b) Quality and age of empirical data supporting national norm referenced data analysis of the proposed assessment...

(c) Ability to report [individual student scores, aggregated test results, and disaggregated scores for ELLs and nonELLs...] ...[7]

Further, Proposition 227 supplies a context for defining the *fundamental academic skills* for California school students referenced in the STAR legislation. In pertinent part, Proposition 227 provides:

The English language is the national public language of the [United States and California], ...and is also the leading world language for science, technology, and international business, thereby being the *language of economic opportunity*;

...

The government and the public schools of California have [a duty] to provide all of California's children, regardless of their ethnicity or national origins, with the skills necessary to become productive members of our society, and of these skills, *literacy in the English language is among the most important*;

...

[Subject to parental waiver based on prior written informed consent for children who already know English, are 10 years or older and would benefit from an alternative program, or have special needs that could not be addressed during a one month trial period in an English language classroom], all children in California public schools shall be taught English by being taught in English. In particular, this shall require that all children be placed in English language classrooms. Children who are *English learners shall be educated through sheltered English immersion during a temporary transition period not normally intended to exceed one year.*[8]

Moreover, Education Code § 30, dating back to at least 1977, provides:

English shall be the basic language of instruction in all schools.

...

Bilingual instruction is authorized to the extent that it does not interfere with the systematic, sequential, and regular instruction of all pupils in the English language.[9]

Additionally, the Accountability Act implements the school evaluation requirement of the Assessment Act by establishing a state Academic Per-

[7]CEC § 60602(a); § 60640(a)-(g); § 60642(b); § 60644(a)-(c); emphasis added.

[8]CEC § 300(a)&(c); § 310-311; § 305; emphasis added.

[9]CEC § 30.

formance Index (API) to be calculated for each California public school, a state intervention program for schools performing below the national average, and rewards for schools that meet their growth targets. The Accountability Act also provides that:

> Only the test scores of *pupils enrolled in a school district for one year or more* may be included in the test results reported in the API.
>
> ...
>
> Pupil scores from the following tests, when available and when found to be *valid and reliable for this purpose*, shall be incorporated into the API: ...(2) The nationally normed test as augmented...[10]

Finally, Title 5 of the California Code of Regulations adopted by the SBE provides specific rules for the administration of the STAR Program designated achievement test, the SAT9. In addition, recent revisions to the regulations adopted by the SBE make available to *ELLs enrolled in a California school district less than one year*, STAR testing modifications which include *translation of directions and use of a bilingual dictionary.*[11]

Description of the SAT9

The Stanford Achievement Test Ninth Edition (SAT9) is a nationally-normed, standardized achievement test administered annually to all students in grades 2 through 11 in California. The test measures academic skills in Reading, Mathematics, Language, and Spelling based on knowledge and skills commonly included in the grade level curricula of a majority of school districts in the United States.[12] In Reading, the tested skills include vocabulary and comprehension; in Math, they include problem solving and procedures. The test items are presented in multiple-choice format and often include pictures, graphics, or other stimulus materials. Except for elementary students in grades 2 and 3 who mark their answers in a machine-scorable test booklet, students mark their answers on a separate answer sheet. All test directions, questions, and stimulus materials are written in English.

Professional Standards

The primary psychometric issue raised by SFUSD et al. involves state-mandated testing of ELLs. In particular, SFUSD et al. question whether it is appropriate to administer an achievement test in English to ELLs<30

[10]CEC § 52052(a)&(b), emphasis added.

[11]5 Cal. Code Reg. § 853(d) as proposed to be amended through SBE adoption on September 7, 2000 (Office of Administrative Law pending).

[12]Science and Social Science subtests are also administered at the high school level. Districts may elect to administer optional SAT9 subtests at other grade levels.

(students whose primary language is not English enrolled in the district for less than 30 months). **In my professional opinion, given a state statutory scheme for which it is reasonable to infer an intent to hold schools accountable for improving the academic skills of all students, in English, and no negative state-imposed consequences for individual ELL students, administration of the SAT9 to ELLs<30 is consistent with all applicable professional standards.**

Relevant professional standards include the 1985 *Standards for Educational and Psychological Testing* (in force at the time the SAT9 was developed and selected by California) and the 1999 *Standards for Educational and Psychological Testing* (a revision of the 1985 Test Standards published in late 1999).[13] Both the *1985 Test Standards* and the revised *1999 Test Standards* were developed and published by three national professional organizations whose members are involved in assessment activities: the American Educational Research Association (AERA), the American Psychological Association (APA), and the National Council on Measurement in Education (NCME).

The SAT9 was developed over several years in the early to mid 1990s and was adopted by the SBE for initial administration in California in the spring of 1998. The SAT9 was developed to satisfy the *1985 Test Standards* which were in force at that time. The *1999 Test Standards* were published after SAT9 administration in the spring of 1999. Therefore, *it is my professional opinion that the 1985 Test Standards should be applied in the present litigation.* Nonetheless, the revised *1999 Test Standards*, though providing additional explanatory material and some extra standards for new test uses and nontechnical issues, have not appreciably changed the requirements articulated in the *1985 Test Standards.* As a result, this report will frame the relevant psychometric issues in the context of both sets of standards.

Professional Judgment Affirmed by the 1985 Test Standards

The STAR legislation provides that, in designating an achievement test, the SBE adopt only a nationally-normed test and consider, among other factors, the ability of the publisher to produce valid, reliable, comparable scores.[14]

Validity and reliability are "terms of art" in the fields of psychometrics and educational measurement. The *1985 Test Standards* stated: "The first task [in establishing the validity of an achievement test] is to specify ade-

[13] American Psychological Association (1985). AERA/APA/NCME Standards for Educational and Psychological Testing, Washington, DC; American Psychological Association (1999). AERA/APA/NCME Standards for Educational and Psychological Testing, Washington, DC [hereinafter 1985 Test Standards and 1999 Test Standards].

[14] CEC § 60644.

quately the universe of content that a test is intended to represent, given the proposed use of the test" (p. 10). That is, test validity must be evaluated based upon expert judgment of the relationship between the domain of content to be tested and the stated purpose for testing. Moreover, a comment to Standard 13.1 in the *1985 Test Standards*, which deals with the validity and reliability of testing non-native English speakers, advises that "careful professional judgment is required to determine when language differences are relevant" (p. 74).

Professional Judgment Reaffirmed by the 1999 Test Standards

In corresponding text from Standard 9.1 of the *1999 Test Standards* dealing with reliability and validity of test score interpretation for ELLs, the comment states: "Assessment methods together with careful professional judgment are required to determine when language differences are relevant. Test users can judge how best to address this standard in a particular testing situation" (p. 97). A caution in the Introduction to the 1999 *Test Standards* states: "When tests are at issue in...venues requiring expert witness testimony it is essential that professional judgment be based on the accepted corpus of knowledge in determining the relevance of particular standards in a given situation. The intent of the *Standards* is to offer guidance for such judgments" (p. 4).

The above quotes from the *1985 Test Standards* and the *1999 Test Standards* underscore the importance of psychometric training and expertise for those who offer opinions about the guidelines contained in the *Test Standards*, specific Standards on validity and reliability, and the application of the *Test Standards* in specific testing contexts.

Validity

Validity refers to the weight of accumulated evidence supporting a particular use of test scores. SAT9 test scores are used by the state to determine whether schools are meeting their growth targets for academic improvement and by schools and parents to identify individual students' strengths and weaknesses. The most important evidence of validity in this situation is a measure of the degree to which the items on each subject matter test measure the knowledge and skills identified by the State as important for all students to achieve. This type of validity evidence is referred to as *content validity* evidence.

Content Validity Evidence

Standards 1.6-1.7, 3.3, and 3.5 from the *1985 Test Standards*, and Standards 1.6, 1.7, 3.2-3.3, 3.5-3.9, 3.11, and 13.3 from the *1999 Test Standards* deal

specifically with issues related to content validity evidence. These Standards require that the purpose of the test, procedures used to specify the content domain, the qualifications of content experts, and the procedures used to obtain expert judgments be clearly documented. These requirements for developing content validity evidence are described more fully below.

As indicated in the *Test Standards*, content validity evidence for an achievement test is *typically obtained by professional judgment*. Based on the purpose of the test, a diverse panel of content experts is asked to define an appropriate domain of academic subject matter, to develop a set of test specifications which identifies the specific knowledge and skills to be sampled from the domain, and to specify the proportional weight to be given to each sampled content area.

After trained item writers have produced a set of items based on the test specifications, the diverse panel of content experts is asked to review each potential test item and determine whether it measures the intended subject matter skill. As part of this review, these content experts also check the correctness of the keyed answer, check for ambiguities in wording and other potential item flaws, evaluate the appropriateness of the content and difficulty of the item for the intended grade level, and identify any inappropriate or potentially offensive language or content that might impair accurate assessment of minority students such as African-Americans or Hispanics.

The edited items are then field tested on a sample of students, item statistics are calculated, and the items are evaluated again. During this second review of items, content experts re-examine the match of the item to the skill it is supposed to measure in the context of item data from the field test, including consideration of differential performance by ethnic groups such as African-Americans and Hispanics. Test forms are constructed based on the content specifications of the test and are then administered to representative national samples of students to develop the test norms.

The SAT9 was developed using the extensive test development procedures described above. In addition, when the SBE considered the publisher's proposal for adoption of the SAT9, the SBE was furnished with documents that matched the SAT9 content to the California state standards in each subject area. The quality and publisher's documentation of the SAT9 test development effort, the information on the match of the SAT9 to the State Content Standards, and evaluations by the SBE's expert panel provided the SBE with the necessary information to judge the content validity of the SAT9.

The SBE's evaluation panel rated each publisher's test proposed for the STAR Program on a variety of factors. In particular, panel members were asked to rate each proposal on each of the statutory criteria including the "ability to produce valid, reliable, individual pupil scores" [§ 60644(a)] and the "quality and age of empirical data supporting national norm-referenced

data analysis of the proposed assessment" [§ 60644(b)]. Panelists were also asked to provide comments on strengths and weaknesses relative to each criterion and to provide additional comments to assist the SBE in evaluating the proposals. Based on extensive information provided by the publisher, the SBE's evaluation panel (of which I was a member) judged the SAT9 to be *valid for the assessment uses described in the STAR statute.*

Purpose for Testing

The STAR legislation quoted earlier states the legislative purpose of the STAR tests to be, primarily, the measurement of individual students' strengths and weaknesses in fundamental academic skills, and secondarily, the evaluation of school effectiveness based on aggregation of the individual student assessment results. The Legislature directed the SBE, with input from expert consultants who considered, among other factors, the validity and reliability of the proposed tests, to adopt a single, nationally-normed, standardized achievement test to be administered annually to all students in grades 2 through 11 statewide beginning in the spring of 1998. In November 1997, the SBE adopted the SAT9 for this purpose.

SFUSD et al. argue that ELLs should not be tested with the SAT9 until they have achieved adequate proficiency in English. They maintain that the test should measure academic skills independent of the student's language proficiency in English. They have proposed a policy in which ELLs are tested only after having been enrolled in the district for 30 months. SFUSD has implemented this policy by exempting all ELLs enrolled in the district for less than 30 months (ELLs<30) from SAT9 testing unless their teachers recommend that they be tested.[15] In 1999, OUSD used teacher judgments of language proficiency to exempt some Category 1 ELLs from testing.[16] HUSD and BUSD have tested their ELL students but object to the state requirement to do so.[17]

Contrary to SFUSD et al.'s assertions, sound measurement theory does not require that subject matter content be tested separately from language proficiency. **Sound measurement theory specifies that educational tests should measure what students are expected to learn and what the test administrator (in this case, the state) wants to evaluate.** The introductory text to the Validity chapter in the *1999 Test Standards* states: "In educational program evaluations, ...tests may properly cover material that receives little or no attention in the curriculum, as well as that toward which instruction is directed" (p. 12). The school API measures derived from SAT9 test

[15]Deposition of Jim Stack, May 4, 2000, p. 169: 24—170:3; 213:19—214:9.

[16]Deposition of Alma Williams, August 9, 2000, p. 340:10-17.

[17]HUSD's Supplemental Responses to SBE's Amended Second Set of Special Interrogatories, No. 10; BUSD's Second Response to SBE's Fourth Set of Special Interrogatories, No. 36.

scores are an example of educational program evaluation referred to in the *1999 Test Standards.*

Assessment of Academic Skills in English

Both the *1985 Test Standards* and the *1999 Test Standards* indicate that making a professional judgment about the validity and appropriateness of the SAT9 for ELLs requires consideration of the purpose for testing. The STAR legislation[18] specifically required the SBE to select a single, nationally-normed achievement test for administration to *all students* in grades 2 through 11 in California. The only exceptions were special education students, whose individualized education programs (IEPs) exempted them from testing, and students whose parents sign a waiver requesting that their children not be tested.[19] At the time the legislation was enacted, as today, all nationally-normed achievement tests in use in the United States test academic skills in English.

In addition, the STAR legislation made specific provision for mandatory primary language testing for ELLs enrolled in a school district for less than 12 months (ELLs<12), if available, with a district option to test other ELLs. Thus, the STAR statute made specific reference to additional testing of certain ELLs but did not include them when specifying exclusions from the main nationally-normed test administered to all students. Therefore, **it is reasonable to conclude that the Legislature intended that *all* ELLs' academic skills be tested in English.** The SAT9 selected by the SBE and implemented by the CDE is designed to provide a global evaluation of the achievement of all students in specified academic subjects in English.

Moreover, the Public School Accountability Act (Accountability Act) states that "the purpose of the California public school system is to provide for the academic development of each pupil and prepare each pupil, to the extent of his or her ability, to become a lifelong learner, equipped to live and succeed within the economic and social complexities of the 21st century."[20] In a country where the language of post-secondary education, commerce, and the workplace is English, and in a state in which the law requires all students to be taught in English, it is appropriate to measure student achievement *in English.*

When the purpose of a test is to measure academic achievement in English, there is no confounding when students with either limited content knowledge or limited English proficiency receive low scores on the test. English proficiency is not confounding the measurement of subject matter achievement, it is an integral part of it.

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[18]CEC § 60600 et seq.

[19]CEC § 60640(e); Cal. Code of Reg. § 852(a).

[20]CEC § 52050.5.

A low score on the test obtained by an ELL or a low-achieving native English speaker is a valid indication that the student is not yet able to demonstrate the expected academic achievement in English. Psychometrically, the fact that ELLs may be able to demonstrate some of the tested skills in another language is no substitute for the intended measurement of those skills in English. **Being able to demonstrate skills in English and demonstrating those same skills in another language are not equivalent. To measure ELLs' progress in learning academic skills in English, those students must be assessed in English.**

School Accountability for All Students

The Accountability Act provides for assistance to underperforming schools and rewards for successful schools based on an Academic Performance Index (API) which currently includes the only available valid and reliable statewide measure, SAT9 scores. Each school will be evaluated on improvement based on its own baseline using a minimum annual growth target percentage for each numerically significant ethnic and socioeconomic subgroup.[21] Scores for students who have been enrolled in the district for less than 12 months, including ELLs, are not included in the API.[22] Schools in SFUSD, OUSD, HUSD, and BUSD have voluntarily elected to submit proposals for state funding for low-performing schools under the Accountability Act's II/USP program.[23] A study presented to the Accountability Advisory Committee indicated that schools with a higher proportion of ELLs had a slightly higher projected growth on the API than schools with a lower proportion of ELLs.[24]

There is no viable alternative to a nationally-normed achievement test currently available for achieving the purpose of measuring each student's content area achievement in English and holding schools accountable for growth and improvement of the tested skills for all low-scoring students, including ELLs. Presumptively excluding ELLs enrolled in school for less than 30 months from SAT9 testing prevents the State from gathering assessment information on an entire category of students. Any student with extremely weak academic and English language proficiency is at high risk of dropping out of school, failing to earn a high school diploma, being unable to meet criteria for admission to post-secondary education, or being forced to work in an unskilled job with low pay and no opportunity for advancement. Early and sustained attention to academic skill development and English language proficiency affords every student an opportunity to

[21]CEC § 52052(a)&(c); § 52057.

[22]CEC § 52052(a)&(c).

[23]CEC §§ 52053-52054.4.

[24]Deposition of William Padia, May 2, 2000, p. 79.

benefit from available economic opportunities.

Waiting until an ELL's fourth year of public school enrollment to administer the SAT9 as advocated by SFUSD et al. would result in no statewide accountability of these students' schools for their progress in learning skills in English for the first three years of instruction. Waiting four years to initially test ELLs<30 would also deprive parents and students of a source of information identifying academic strengths and weaknesses, including a possible need for instructional assistance. A test in the primary language, when available, may provide additional information about a student's academic achievement. However, **if the ultimate purpose for testing is to ensure that all students master academic skills in English in a timely fashion, a primary language test alone is not sufficient.**

Measuring Academic Skills Independent of English Proficiency

The declarations of SFUSD et al.'s experts that the SAT9 test is invalid for ELLs are based on an assumption that the purpose for testing is to measure only content knowledge and skills independent of English proficiency. **This purpose asserted by SFUSD for testing is different from the reasonable inference of testing academic skills in English derived from the state statutory scheme described earlier.** SFUSD et al.'s purpose, however, can be achieved by administering a second achievement test to ELLs in their primary language, an option provided to school districts under §60640(f) of the CEC and required, if available, for ELLs enrolled in school for less than 12 months.[25] The SBE has designated the Spanish Assessment of Basic Education, Second Edition (SABE2) as the primary language test for Spanish-speaking students, who comprise about 82 percent of the California ELL population.[26] No other tests with adequate validity and reliability are currently available for assessing academic skills in other primary languages.

Administering an achievement test in a student's primary language may assist schools in evaluating whether low SAT9 test scores are due to lack of content knowledge and skills, lack of English proficiency, or both. However, just as low scores on tests administered in English may be due to poor English skills, low scores on tests administered in a student's primary language may be due to lack of proficiency in the primary language. Thus, **districts must also interpret low scores on primary language tests with caution.**

Reasons for Poor Test Performance

The SAT9 validly determines whether an ELL or native English speak-

[25]CEC § 60640(g).

[26]CDE Statistical Report, 1999, p. x.

er can demonstrate the requisite academic skills in English; the state need not establish nor is the SAT9 designed to determine why a low-performing student scores poorly. In general, standardized achievement tests do not provide explanations for low test scores for any students, and there is no psychometric standard requiring that they do so. That is the job of local educators who are responsible for identifying effective instructional interventions to improve the skills of low-scoring students.

There are many factors that may negatively affect a student's achievement of academic skills. They include, but are not limited to, economic disadvantage, lack of parental involvement, poor attendance, low motivation, lack of appropriate instruction, substance abuse, personal problems, illiteracy, and limited English proficiency. These factors do not invalidate the test results for either ELLs or nonELLs, but their identification can aid school staff in understanding why a student has not achieved so effective instructional assistance can be provided. Such assistance could include language proficiency instruction, content area instruction, counseling, tutoring, parent conferences, or a combination of these or other support services.

Assessment of Integrated Skills

Like the combination of English language proficiency and content achievement assessed by the SAT9, other statewide tests also involve the assessment of integrated skills that work together to produce the desired achievement outcome. For example, on a science test, students might be asked to write an evaluative essay about two scientific reading selections with opposing points of view. Achieving a high score on such a task requires the integration of reading and writing skills with the relevant content knowledge and skills in science. Poor readers and writers may achieve lower scores even if they know the tested science content. These low scores are considered valid when state content standards indicate that reading and writing about science content is considered an important part of the science achievement being measured.

If the SFUSD et al.'s point of view advocating isolated assessment of academic content were adopted here, such science tasks would be judged invalid for native English speakers because they measure more than pure science knowledge. But many educators would find a "pure science" assessment (with minimal reading and no writing) inconsistent with the content standards, curricula, and real world applications expected of students. Thus, in this context it would be inappropriate to allow a district to narrow the intended science achievement by exempting all its students who were poor readers or writers from a science test that includes those skills.

Another example of testing integrated skills is the two-step story problem found in many mathematics tests. In order to answer such a question correctly, the student must be able to do both steps in the problem. Lack of

knowledge of either step required by the problem will result in an incorrect answer. The fact that the test score alone does not indicate whether incorrect answers are due to the inability to do step 1 or step 2 does not mean that the test should include only 1-step story problems. The ability to complete both steps is necessary to demonstrate the skill of solving realistic word problems. It is the responsibility of local educators to collect additional data to determine which step the student cannot do and then to design appropriate instruction to teach the missing skill to the student.

Similarly, it would be inappropriate for a district to exempt students, such as ELLs<30, for whom English may be challenging, from a statewide assessment intended to measure content knowledge in English for all students. If this argument were adopted, to be fair to everyone, native English speakers who have impaired English proficiency should also be exempted from testing because they too are unable to demonstrate their true content knowledge due to poor English skills. *The result of adopting such a policy would be to exempt from identification the very students (and schools with many such students) who most need additional educational assistance.*

Comparable Data

The STAR Program statute specifies that the nationally-normed achievement test adopted by the SBE provide comparable scores.[27] To obtain comparable scores, the same test must be administered to all students under the same standardized administration conditions as those employed when the national norm group was tested. If some students were to take a different test than others, or if the test administration conditions differed across students (e.g., time limits differed or the test was read aloud to some students), comparisons of the obtained scores to the national norms would not be valid because the students tested under different conditions would not be demonstrating achievement of the same skills.

Similarly, including scores that were not comparable would produce invalid aggregate results for tracking the progress of schools and subgroups of students within schools over time. Further, without the normative information from the test, parents would be unable to compare their children's progress with that of other students in the nation or their children's school with that of other schools in California on a national standard.

Normative Comparisons

By design, achievement "at grade level" on nationally standardized tests in the United States has been defined by average student performance on grade-level appropriate academic content tested in English. This baseline national performance provides a benchmark for comparison of a student's

[27]CEC § 60643(a)(5)(F).

test performance with that of students at the same grade level nationally. Thus, requiring that the selected test be normed on ELLs would defeat the purpose of administering a nationally-normed test. Separate ELL norms would only indicate how an ELL's achievement compared to other ELLs but would not indicate whether an ELL had achieved what was expected at the student's grade level. That is, an ELL could score well in comparison to ELL norms but poorly in comparison to national norms.

Introductory information in Chapter 9, Testing Individuals of Diverse Linguistic Backgrounds, in the *1999 Test Standards* states: "test norms based on native speakers of English either should not be used with individuals whose first language is not English **or such individuals' test results should be interpreted as reflecting in part current level of English proficiency** rather than ability, potential, aptitude ..." (p. 91, emphasis added).

It is clearly understood that the SAT9 measures achievement at a particular point in time, not ability or aptitude. Moreover, SAT9 scores can be interpreted as measuring both academic content and English proficiency, one of the alternatives the statement quoted above from the *1999 Test Standards* indicates is appropriate. As such, use of SAT9 normative scores for ELLs is appropriate if the state's purpose is to measure current academic skills in English and to hold schools accountable for expected improvements in those skills over time. Furthermore, receipt of additional educational assistance to remediate language and skill weaknesses is a positive outcome of testing and a benefit that the accountability system will encourage schools to provide to all low-performing students, including ELLs.

Descriptive information in Chapter 9 of the *1999 Test Standards* that addresses differences in test performance across linguistic groups due to differences in language proficiency, acculturation, vocabulary, educational background, test-taking skills, etc. is equally applicable to native English speakers whose test performance may also be adversely affected by any of those factors. Standard 9.3 states: "The test generally should be administered in the test taker's most proficient language, **unless proficiency in the less proficient language is part of the assessment"** (p. 98, emphasis added). From the statutory scheme described earlier which mandates instruction in English for all students, it is reasonable to conclude that proficiency in English, a language which may be the language of least proficiency for ELLs initially and a serious weakness for some native English speakers, *is an intended part of the SAT9 assessment for all students because it is an intended part of the curriculum for all students.*

Instruction in English for All ELLs

Proposition 227, English Language for Immigrant Children, requires that ELLs be taught English and academic subjects in English beginning in the fall of 1998.[28] After a temporary transition period of approximately one year

in an English Immersion Program, ELLs are to be transferred to regular classrooms where instruction is provided in English. Parents can sign a waiver requesting that their children be placed in an alternative program which may include a bilingual program.[29]

Bilingual programs have been generally understood to provide instruction in the student's primary language and English. The sunsetted Bilingual-Bicultural Education Act of 1976 provided:

> The Legislature finds and declares that the primary goal of all programs under this article is, as effectively and efficiently as possible, to develop in each child fluency in English.
>
> . . .
>
> As the pupil develops English language skills, the amount of instruction offered through English shall increase.
>
> "Bilingual-bicultural education" is a system of instruction which uses two languages, one of which is English, as a means of instruction.[30]

The SABE2 provides a measure of academic progress in Spanish for ELLs whose primary language is Spanish, but there is no corresponding test of academic progress in any of the more than 50 primary languages represented in the state.[31] Therefore, if assessment were confined only to that part of an ELL's academic learning that occurs in the native language, there would be two negative consequences: (1) only Spanish bilingual students would be assessed—all other ELLs would be excluded; and (2) no systematic, comparable information would be available to evaluate ELLs' progress in learning academic skills in English even though all should be receiving at least a portion of their instruction in English. Standardized achievement tests provide an important benchmark for tracking student progress and ELLs would be disadvantaged by being excluded from this important tool for measuring progress.

Inclusion of ELLs in National Norms

The SAT9 standardization sample was selected and statistical weighting procedures applied so that the final norming group closely resembled the demographic characteristics of students nationally on the characteristics of geographic location, socioeconomic status, urbanicity, and ethnicity from Census data. At the time, no data were available on enrollment of ELL students nationally.

Districts agreeing to participate in the norming sample were given the following policy directive for deciding which students to test: "Students receiving instruction as part of a regular education classroom who would

[28]CEC § 300 et seq.

[29]CEC §§ 310-311.

[30]CEC § 52161; § 52163(a)(2)&(b) (sunsetted June 30, 1987).

[31]See CDE Language Census Summary Statistics, 1998-99.

normally test with other students in the regular classroom were asked to be part of the standardization sample."[32] At the time, few ELL students in U.S. schools met this criteria for testing. As a result, only about 2 percent of the students in the spring norm group were ELLs.[33] With the passage of Proposition 227 in California and measures in other states leading to greater inclusion of ELLs in regular education classrooms and statewide testing programs, the next time the SAT9 is revised and renormed, districts should be more willing and able to include ELLs.

Further, if California wished to do so, it could create California norms for the SAT9 whose demographic representation would match that of students in the state. However, such norms would have limited usefulness because they would be state rather than national norms. Such state norms would be unlikely to mirror national performance because the California norm group would contain proportionately more ELLs than the national student population, even if the national norm group included ELLs in proportion to their representation nationally. To the extent that ELL performance is lower than the national norm group, California state norms might mislead users into believing a student was performing well when comparison to the national norm group would indicate a much weaker performance.

Other Types of Validity Evidence

Other types of validity evidence include criterion and construct validity evidence. Criterion validity evidence, in the form of correlation coefficients, is most appropriate for situations in which test scores are used to predict outcomes, such as freshman grade point averages predicted from college admissions test scores. Criterion validity evidence can also be useful in determining the degree to which two tests measure the same or different skills. Because the SAT9 tests are intended to measure specified content knowledge and skills, and not to predict any other outcome or replace another test instrument, criterion validity evidence is not necessary or appropriate for establishing the validity of the SAT9 for use in the California STAR program.

Construct validity evidence refers to the sum of research knowledge and experiments designed to define a psychological construct, such as extroversion or depression, that an instrument is intended to measure. Because the SAT9 tests are achievement tests designed to directly measure specific academic content, not to define unobservable psychological constructs, construct validity evidence is also not required for establishing the validity of the SAT9 for use in the California STAR program. However, to the extent

[32]SAT9 Technical Manual, p. 27.

[33]SAT9 Technical Manual, p. 28.

that the SAT9 subtests measure general educational constructs such as reading or math, evidence that an item administered below its targeted grade level appears harder and that same item administered above its targeted grade level appears easier provides some evidence that the SAT9 measures a sequenced educational curriculum for which items are placed at the appropriate grade level.

Validity Evidence for ELLs

There is no requirement in the *1985 Test Standards* or the STAR statute that the selected standardized achievement test be validated or normed on disaggregated student subgroups such as ELLs<30. However, both the *1985 Test Standards* (Standard 13.3) and the *1999 Test Standards* (Standards 9.2 and 11.22) expect publishers to provide detailed documentation by which users can judge the appropriateness of a specific use of a specific test with linguistically diverse test takers. Such information was available to the SBE at the time the SAT9 was selected.

Standards 9.2 and 11.22 of the *1999 Test Standards* do not address ELLs<30 specifically but do recommend parallel investigation of the validity of test score interpretations for ELLs. For example, collection of separate validity evidence might be appropriate in a predictive validity situation. However, the introductory text and comments to these standards indicate that the recommendation for separate collection of validity evidence for ELLs is premised on the assumption that the test user does not intend English language proficiency to be part of the tested content. In contrast, as already indicated, one can reasonably infer otherwise from the statutory scheme in California. Thus, Standards 9.2 and 11.22 are not directly applicable to the STAR Program. Nevertheless, the publisher does report disaggregated results for ELLs as required by statute so that users can evaluate the performance of ELLs separately.

Summary of Validity Evidence

The SAT9 is an achievement test that measures students' acquisition of specified skills at a particular point in time. *The skills measured by the SAT9 are sensitive to instruction, and students' proficiencies are expected to improve over time.* The STAR legislation requires specific information to be collected and reported but imposes *no negative consequences on any individual students, including low-scoring ELL students.*

Thus, the relevant evidence for evaluating the validity of the SAT9 for the purpose of measuring academic skills in English is content validity evidence. The extensive content validity evidence for the SAT9 meets all the relevant professional standards described earlier. Applying this conclusion to ELLs<30 in particular, the SAT9 test is valid for ELLs<30

because it measures the academic content the SBE has determined all students should know and does so in the English language, which can be reasonably inferred from the statutory scheme to be the intended language of instruction and assessment for all students, including ELLs<30 and ELLs>30.

Opportunity to Learn

SFUSD et al. argue that ELLs with less than 30 months of public school instruction should not be tested in English because they have not yet had an opportunity to learn enough English. This "opportunity to learn" argument has been borrowed from the context of statewide testing with high-stakes consequences for individual students (e.g., denial of a high school diploma). When high school students are required to pass a state graduation test to receive a high school diploma, professional standards and legal cases agree that in fairness to all students, the state must demonstrate that its schools are teaching the tested content.

The relevant standard from the *1985 Test Standards* is Standard 8.7, which states:

> When a test is used to make decisions about student *promotion or graduation*, there should be evidence that the test covers only the specific or generalized knowledge, skills, and abilities that students have had the opportunity to learn. (P. 53, emphasis added.)[14]

However, **the STAR Program is distinguishable from a high school graduation or grade promotion test.** For all students, including ELLs, the SAT9 is equivalent to a no-stakes pretest which is given to obtain information about what the students already know and to inform them of what they will be learning in the future. The state imposes no negative consequences on individual students and each school district has complete control of how individual SAT9 scores are used. *The misuses of test scores cited by SFUSD et al. as harmful to ELLs are not inevitable and are under SFUSD et al.'s control.* SFUSD et al. have control over score interpretations offered to students and parents and any use of test scores in making placement decisions for individual students. It is within SFUSD et al.'s power to tell ELL students and their parents that the test measures skills these students have not yet been taught and to explain when and how these students will receive the requisite instruction.

It has been my experience that schools routinely test students in subject matters in which the student has not yet achieved proficiency. For example, classroom teachers often give pretests prior to beginning a new unit in order to find out what students already know about the content to be studied. The

[14]The corresponding standard, with similar wording, from the 1999 Test Standards is Standard 13.5.

teacher can then tailor instruction based on the students' strengths and weaknesses. The Assessment Act specifies a similar remedial purpose of "assisting pupils, their parents, and teachers to identify individual academic strengths and weaknesses, in order to improve teaching and learning."[35]

If students could only be tested on skills they had already mastered, educators and policymakers would have to make decisions without data. This would produce the absurd result of not knowing the student's achievement but being unable to test for it because it is unfair to ask students questions they do not already know. Moreover, if students had to be tested only on content they already knew, the state would be unable to challenge districts and schools to meet higher standards.

Particularly when there are no stakes for individual students, like SAT9 testing of ELLs, having more information for decisionmaking is better than having less. As indicated in a later section, some districts have successfully accelerated the progress of their ELL students and have demonstrated that these students can learn the academic skills in English tested by the SAT9 in a relatively short time.

Teaching the Tested Skills

It is clear from the experience of other states that *what is tested is what gets taught.* SFUSD et al. decry "teaching to the test," and they are correct if they are referring to inappropriate test preparation that teaches specific test items. But if teachers engage in appropriate teaching of the tested skills, it will improve the achievement of all students on the academic skills measured by the test. On the other hand, if ELLs are excluded from SAT9 testing, it will provide an incentive for their schools to ignore their academic progress and to shift resources to other students whose scores "count" toward the schools' accountability ratings.

Consequential Validity

Consequential validity refers to indirect effects, in addition to those of the test scores themselves, which are attributable to a testing program. Such indirect effects may be beneficial or detrimental. Standard 1.23 in the *1999 Test Standards* states:

> When a test use or score interpretation is recommended on the grounds that the test or the testing program per se will result in some indirect benefit in addition to the utility of information from the test scores themselves, the rationale for anticipating the indirect benefit should be made explicit. Logical or theoretical arguments and empirical evidence for the indirect benefit should be provided. Due weight should be given to any contradictory findings in the scientific literature, including findings suggesting important indirect outcomes other than those predicted.

[35]CEC § 60602(a).

> *Comment:* For example, certain educational testing programs have been advocated on the grounds that they would have a salutary influence on classroom instructional practices or would clarify students' understanding of the kind or level of achievement they were expected to attain. To the extent that such claims enter into the justification for a testing program, they become part of the validity argument for test use and so should be examined as part of the validation effort. (P. 23.)

Some of the issues identified in this Standard have already been addressed in earlier sections. Additional consequential validity evidence for administration of the SAT9 test to ELLs<30 is discussed in the sections that follow.

Access to Instructional Help and Resources

For both native English speakers and ELLs, it is useful to administer the SAT9 to communicate statewide expectations, to determine general levels of academic functioning in English, and to track improvement over time. Identifying students with low performance on state goals is a necessary first step in providing additional instructional help and resources where they are most needed to teach and reinforce the skills that have not yet been mastered.

Tests Are Not Instructional Programs

SFUSD et al. have argued that testing ELLs with the SAT9 in English denies access to instructional programs in violation of the Equal Educational Opportunities Act.[36] However, the SAT9 itself is not an "instructional program" as that term is typically used. Contrary to the assertion of SFUSD et al.'s experts (p. 7 ftn 3), students do not improve their skills by repeatedly taking the SAT9, but rather, by the targeted instruction that should occur between annual administrations of the SAT9.

SAT9 test results can assist a local school district in monitoring whether all groups have access to educational programs that provide an opportunity to achieve educational goals. **An ELL<30 who demonstrates little progress in learning content area skills in English over several years may not be receiving equal access to educational experiences targeted toward state educational standards.** Exempting ELLs<30 from SAT9 testing or testing ELLs<30 only in their primary language deprives educators and parents of an early warning if ELLs<30's content skills in English are not increasing each year. Waiting four years to identify students who need additional help may be too late to reverse ELLs<30's content deficiencies in English sufficiently for them to compete favorably in the future with their nonELL peers.

[36] 20 U.S.C. §1703.

Familiarity with Standardized Tests

In order to compete equally with their peers, ELLs<30 need familiarity with testing formats, administration conditions, item types, and test taking strategies in English. Administration of the SAT9 test to ELLs<30 every year will provide opportunities for these students to become familiar with the tests and learn what is expected of them. These students will see visible evidence of their progress in learning content in English as their scores on the SAT9 test increase each year. In addition, the SAT9 test will begin familiarizing them with the standardized testing process. This familiarity should help them when they reach the point of taking reclassification tests, placement tests, high school graduation tests, college entrance exams, or other significant tests given in English during their educational careers.

School Accountability

The only accountability that has been imposed by the state in conjunction with SAT9 testing under the STAR Program is at the school level. The Accountability Act provides incentives for schools to find more effective means to help all students, including ELLs<30, to increase their achievement of state educational goals over time. This outcome will benefit ELLs<30 by better preparing them to compete with their native English-speaking peers for desirable school programs, post-secondary education, and employment.

Thus, in presumptively preventing ELLs<30 from taking the SAT9, SFUSD et al. may not be acting in ELLs<30's long-term best interests and may be depriving them of an important educational experience. For example, a local newspaper reported that "The [SFUSD's] belief that testing children who speak little English is pointless...[and] has cost the district $640,000 in new state funds aimed at educating those very students."[37]

Allegations of Harm to ELLs

SFUSD et al. have asserted that ELLs<30 will be harmed by the administration of the SAT9 test in English because their low scores will be stigmatizing, will diminish their self-esteem, and will cause them to be inappropriately placed in special education programs and portrayed as having inferior employment skills.[38] Such misuses of test scores can occur for any student, including ELLs>30 and nonELLs, and underscore the importance of the school district's role in accurate interpretation and use of the SAT9 test scores for all students. SAT9 scores provide a snapshot of achievement at a point in time and do not represent fixed aptitudes or employment abilities. In addition, individual student test scores are confidential and should not be available to any outside entity that might inappropriately stigmatize a

[37]Guthrie, J. Test policy costs S.F. schools, The San Francisco Examiner, April 20, 2000.
[38]SFUSD Complaint ¶¶ 43-46.

student.[39]

The state has used SAT9 test scores appropriately to evaluate schools. The state has not engaged in any of the inappropriate uses of SAT9 scores cited by SFUSD et al. because the state neither imposes negative consequences on students, nor deprives them of any educational or other opportunities, nor prescribes specific courses of study based on SAT9 test scores. Thus, it is up to the local districts to ensure that SAT9 testing information is used responsibly. SFUSD et al. have the authority to determine how the test scores will be used locally and an affirmative duty to communicate its intended use to parents as provided in § 60641(b).[40] School districts can adopt policies that prevent misuse of ELLs<30's test scores and provide for the collection and use of supplementary data when making placement and instructional decisions for ELLs<30. Indeed, the state encourages districts to use multiple sources of information, not a single test score, when making educational and placement decisions for all students, including ELLs<30, in conformance with Standard 8.12 of the *1999 Test Standards* and Standard 13.7 of the *1999 Test Standards*.[41] When evaluating ELLs for retention or promotion, SFUSD et al. have stated that they do not use SAT9 scores.[42]

SFUSD et al.'s experts have also alleged that the experience of taking the test in English will cause harm through test anxiety manifested by physical illness. ELLs<30 should be no more frustrated or anxious than ELLs>30 or nonELLs with extremely poor English language skills. Test anxiety is not limited to low performing students—any student can become so concerned about taking a test that it interferes with performance on the test. Studies have shown performance declines for students with both too little and too much test anxiety. Scores are maximized when students are concerned enough to work hard learning the tested skills and to do their best when answering the test questions. As one leading measurement text has observed:

> Anxiety is a frequent side effect of testing, whether that testing occurs in the classroom, on the athletic field, in the art exhibit hall, in the courtroom, in the conference room where a crucial business decision is being discussed, or

[39]CEC § 60607(d). "Individual pupil test results may only be released with the permission of the pupil's parent or guardian." CEC § 60641(c). When reporting aggregate results, the operative rule is that if the number of students in any reporting category is less than 10, no aggregate results are reported. This policy is consistent with CEC § 60641(d), which specifies that the score or relative position of any individually ascertainable pupil not be reported.

[40]CEC § 60641(b) states in part: "The written report shall include a clear explanation of the purpose of the test, the pupil's score, and its intended use by the school district."

[41]CEC § 48070.5; CEC § 60602(a)(1) ("The Legislature recognizes that, in addition to the statewide assessments that will occur as specified in this chapter, school districts will conduct ongoing student assessment and provide information regarding pupil performance based on those assessments on a regular basis to parents or guardians and schools.").

[42]SFUSD's 3rd Supp. Resp. No. 40, 44; BOHUSD's Further Supp. Resp. No. 16-17.

in the legislative chamber where a bill is being debated. Test anxiety in the classroom is not something unique. It is a part, though hopefully not too large a part, of life itself.[43]

For native English speakers, lack of proficiency in English may be related to excessive absences from school, frequent changes in schools, family problems, poverty, or other educational issues. There are no provisions in the STAR statute or regulations for exempting low-scoring native English speakers whose poor English skills create test anxiety. Indeed, the exclusion of students from testing because of potential anxiety caused by poor literacy skills does not serve the students' long-term interests in effective assessment of their achievement. Furthermore, exclusion of such students from testing would prevent the state from gathering *complete data* in order to hold school districts publicly accountable for *all students' progress over time.*

Appropriate Test Preparation

In the short term, some ELLs<30 not accustomed to testing in English may find the SAT9 difficult. However, there is much SFUSD et al. can do to ease their transition. In my professional experience, students are sensitive to the negative feelings of adults and parents and can develop anxiety about a test after overhearing negative comments about the test from adults. SFUSD et al. can counter such pressures by reassuring students and parents that test results will not be used in any negative manner by the school and by emphasizing the ways ELLs<30 will benefit from taking the test each year. ELLs<30 can also be told that the test will be challenging, that they are not expected to know all the answers, that they are to try their best, that they can skip questions they do not understand, and that they should answer any items they can while studying the test to find out what it is like.

Indeed, the test directions reinforce these ideas. A notation labeled "Dear Student" on the first page of the test booklet states: "You are not expected to know everything on the test, but please try hard to answer the questions." In the oral directions to the student, the examiner says: "If you're not sure about the answer to a question, do the best you can, but don't spend too much time on any one question."

In addition, the statutory scheme and SBE regulations make special provisions for ELLs<12, the subgroup of ELLs<30 for which the SAT9 may be most challenging. The Accountability Act provides that the scores of ELLs<12 are not counted in a school's API, and the SBE has adopted a policy that allows administration of the SAT9 to ELLs<12 with modifications including directions translated into the student's primary language and use of a bilingual dictionary during test administration.

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[43]Ebel, R.L. & Frisbie, D.A. Essentials of educational measurement (4th ed.). Englewood Cliffs, NJ: Prentice-Hall (1986), p. 205.

In sum, by adopting and communicating a positive demeanor, clearly indicating that ELLs<30 are not expected to know all of the tested material, and appropriately implementing the SBE policy on modifications for ELLs<12, SFUSD et al.'s educators can create a supportive environment in which students and their parents can learn and benefit from the testing experience. With careful attention to strategies for easing the short-term transition to testing in English for current ELLs<30, SFUSD et al. can provide them with a long-term educational benefit.

Parent Exemptions

The parent initiated exemption provided for in Title 5 of the California Code of Regulations § 852(a) is similar to that of other states which allow individual parents to excuse their children from testing for personal reasons (e.g., because the testing conflicts with their religious beliefs). The prohibitions on solicitation or encouragement of student exemptions do not prevent SFUSD et al. from providing accurate and appropriate *post-administration* SAT9 score interpretations to ELLs and their parents.

The language prohibiting district solicitation or encouragement of parental exemption requests is designed to prevent districts from violating the spirit of the STAR Program prior to SAT9 testing. Based on my experience with statewide testing, I have found that in other states, when district staff encouraged parents to exempt children likely to score poorly on a statewide standardized test, their primary concern has been the image of the district. In the words of one of SFUSD et al.'s experts, the SFUSD district is seeking to avoid "[t]he inclusion of those scores [that] will do nothing more than depress school and district averages and wrongly portray public education as failing its children."[44]

Summary

In sum, any potential harms of administering the SAT9 to ELLs<30 are not particular to this subgroup and can be avoided or mitigated by the school districts themselves. At best, the evidence for the alleged harms is anecdotal and unsubstantiated by objective evidence for ELLs as a group. **In contrast, as indicated above, there are short and long term benefits of testing ELLs<30 with the SAT9 and including them in the state accountability system.**

One example of documented positive consequential validity for ELLs<30 and ELLs>30 are the gains in state and individual district SAT9 test scores for ELLs over the three years the STAR Program has been operational. These results are presented for SFUSD et al. and three comparison districts in a later section. A recent *Newsweek* article summarized some of

[44]De Avila declaration, p. 7.

the consequential validity evidence for testing ELLs as follows:

> Next, examine California's Proposition 227. Passed June 1998 by a 61 to 39 percent margin, it banned bilingual education in the state's schools. Educators widely opposed it; so did President Clinton. Prophecies of doom were widespread. Clinton said it would condemn immigrant children to "intellectual purgatory." The head of the San Francisco School Board said that "this would set our students back 30 years."
>
> What happened? Test scores of children from Spanish-speaking families didn't drop. They rose. In second grade, average reading scores of students with limited English ability have jumped in the past two years from the 19th percentile nationally to the 28th percentile. In math, the same students went from the 27th to the 41st percentile, according to The New York Times.
>
> "I thought it would hurt kids," Ken Noonan, superintendent of schools in Oceanside, a city north of San Diego, told the Times. Thirty years ago he helped found the California Association of Bilingual Educators. "The exact reverse occurred, totally unexpected by me," he said. "The kids began to learn—not pick up, but learn—formal English, oral and written, far more quickly than I ever thought they would."[45]

Reliability

Test reliability refers to consistency of measurement. A test measures consistently when students tested on different occasions or with a different test form achieve similar scores. Because an individual student may vary in performance from one day to the next due to differences in motivation, health, attitude, environmental conditions, memory lapses, or idiosyncratic reactions to individual items, test scores contain some errors of measurement and scores on two forms of a test will not be identical. However, most students who perform well on the first test will also perform well on the second test, and most students who perform poorly the first time will also do so the second time. Reliability is measured on a scale of 0 to 1.0, with 0 representing no reliability and 1.0 representing perfect reliability.

Reliability and validity measure different properties of a test. To provide useful information, an achievement test must measure accurately (validly) *and* consistently (reliably).

Types of Reliability Evidence

There are two major procedures for calculating test reliability: repeated testing and measures based on a single test administration. Calculating reliability based on repeated testing is most important when students take different forms of an achievement test. For these students' scores to be comparable, the two forms must measure consistently so that a student will be indifferent about which form is administered. This type of reliability is

[45]Samuelson, R.J. The lesson of tough love, *Newsweek*, September 2, 2000, p. 27.

referred to as *alternate forms* reliability and is typically estimated by the test publisher using a selected sample of students administered both forms of the test.

When large groups of students for whom comparisons are to be made all take the same form of an achievement test, such as the SAT9 administered in California, a single administration reliability estimate is most practical. A single administration reliability estimate can be calculated directly from the students' test scores. For multiple-choice tests with a single correct answer for each item, a KR_{20} reliability is typically calculated. The KR_{20} reliability was named after two researchers, Kuder and Richardson, whose formula for this reliability measure was identified by the number "20" in their published paper.

Kuder and Richardson also developed an approximation to the KR_{20} single administration reliability estimate, referred to as KR_{21}, which assumes that all test items are of equal difficulty. KR_{21} requires less computation and can be calculated from the mean and standard deviation of the group. When the assumption of equal item difficulties is not met, as is typical for a nationally-normed achievement test for which the items span a range of difficulty, KR_{21} will provide a slightly *lower* estimate of reliability than KR_{20}. In comparison to KR_{20} and KR_{21}, an alternate forms reliability estimate is usually somewhat lower because it involves two separate test administrations for which conditions might be somewhat different.

Reliability of the SAT9 for All Students

For purposes of illustration, data for the SAT9 Reading and Math tests for Grades 2, 4, 7, and 10 have been selected for inclusion in this report. These choices were made to represent the broad array of available data. In particular, the SAT9 Reading and Math tests were chosen because reading test performance is likely to be affected by English proficiency to a greater degree than math test performance. In selecting grades, two elementary, one middle school, and one high school grade were chosen to illustrate performance across the span of grades and to provide more information at the elementary level where about 63 percent of the ELLs are located.[46] Grade 2 is the initial grade for administration of the SAT9, and students respond in the test booklet. Grade 4 is in the upper elementary range, and students record their answers on separate answer sheets. Grades 7 and 10 are in the center of the range for middle school and high school, respectively. Together, the SAT9 data for these subjects and grades provide a snapshot of the characteristics of the SAT9 test and its implementation in California.

[46]CDE, *A Packet of Easily Accessible Information on English Learner Students,* prepared for the English Learner Advisory Committee, January 27,2000, Table 2. Statistics are for 1999 and indicate that 45.4 percent of ELLs were in grades K-3 and 62.8 percent of ELLs were in grades K-5.

KR_{20}, KR_{21}, and alternate forms reliability estimates for the SAT9 are obtained from the norming sample. Reliabilities for the Reading and Math tests for selected grades are reported. The alternate forms reliabilities range from .81-.93, the KR_{21}s from .87-.96, and the KR_{20}s from .88-.96. As expected, the alternate forms reliabilities are somewhat lower than the KR_{20}s and KR_{21}s. These data also indicate that the KR_{21}s provide a very close approximation to the KR_{20}s.

Reliability of the SAT9 for ELLs<30

Based on disaggregated SAT9 test score data provided by the districts,[47] KR_{21} reliability estimates were calculated for ELLs<30 and ELLs>30 for SFUSD, OUSD, and HUSD.[48] The same subjects, Reading and Math, and the same grades, 2, 4, 7, and 10, were selected for illustration. The results are presented in Table 2.

The SAT9 KR_{21} reliability estimates reported for ELLs<30 and ELLs>30 are nearly as high as those reported for all students and in a few cases are higher.

In 75 percent of the comparisons for both SFUSD and OUSD, the reliability for ELLs<30 was slightly *higher* than that for ELLs>30. Except for OUSD Grade 10, all of the KR_{21} reliability estimates are at least .85 for both 1999 and 2000. The lower estimates for OUSD in Grade 10 are based on small numbers of students with a restricted range of test scores. OUSD tested all ELLs in 2000 but exempted some from Category I (their least proficient ELLs) in 1999. However, the reliability estimates for the two years are quite similar. HUSD KR_{21}s for ELLs<30 are also high and consistent with those for the other districts.

Completion Rates

Completion rates for the SAT9 are high. Therefore, it is appropriate to report KR_{20} and KR_{21} reliability estimates for the SAT9 because the vast majority of students are able to finish the test within the prescribed time limits.

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[47]BUSD's initial production contained errors and their data analyst was unable to verify the accuracy of the revised data that was produced because the designation of ELLs<30 was based on a list of unknown origin from another department (Deposition of Marianne Spelenda, Vol. II, August 8, 2000, p. 165-67). Due to the questionable accuracy of their data, BUSD was not included in the analyses presented in this report.

[48]The data provided by the districts did not include the individual item responses necessary to calculate a KR_{20} reliability estimate. However, as the SAT9 data for all students demonstrates, KR_{21}s are slightly more conservative reliability estimates than KR_{20}s.

Standard Error of Measurement

In addition to considering the reliability of the total test, consistency of measurement can also be evaluated based on the *standard error of measurement.* The standard error of measurement (SEM) provides an estimate of the expected amount of chance fluctuation in individual student test scores. For example, for students who score 55 on a test with a SEM of 2, one would expect the true achievement of about two thirds of them to fall within one standard error (between 53 and 57). SEMs for the SAT9 for Reading and Math at selected grade levels range from 3 to 4½ score points, relatively small values for tests consisting of 48 to 118 items.

Evaluating Reliability Evidence

KR_{20} and KR_{21} reliability estimates for nationally-normed achievement tests are typically in the upper .80s and low .90s. A rule of thumb I have recommended for evaluating reliability evidence is that the reliability estimates be at least .80 when the test data are used in accountability systems to evaluate schools and at least .85 when the test data are used to make high-stakes decisions for individual students (e.g., promotion or awarding a high school diploma).

In the STAR Program, the test data are used to make high-stakes decisions about schools but not students, so the appropriate reliability threshold is the .80 for school level decisions. However, the KR_{20} and KR_{21} reliability estimates reported for the SAT9 are all above .85, the more stringent criterion for high-stakes student decisions. Except for OUSD Grade 10, all of the calculated KR_{21} district reliabilities for ELLs<30 are also above the .85 threshold. Given the high reliability of individual student scores, the aggregation of those scores to form school averages provides a very reliable indicator of overall school performance and the performance of particular subgroups comprised of adequate numbers of students. **These data indicate that the SAT9 is sufficiently reliable for the purposes for which it is being used in the STAR Program. These data also demonstrate that the SAT9 provides reliable scores for ELLs<30.**

Variability in English Proficiency

In the chapter on Reliability, the *1985 Test Standards* states: "[T]he importance of a particular source of error depends on the specific use of a test" (p. 19). If the test is intended to distinguish between students who can demonstrate specific content skills in English and those who cannot, variability among students in English proficiency is part of the achievement being measured and is not error. For a standardized test to be reliable, there must be some variability in achievement within the group of students for which the reliability estimate is obtained. The district data demonstrate that

national percentile rank (NPR) scores for ELLs<30 range from the low single digits to the high 90s in most cases and that this range is similar to that for ELLs>30.

These data also indicate that the SAT9 can provide reliable scores for ELLs even when significant numbers receive similarly low scores. Thus, although SAT9 scores may not provide enough information to determine which of two very low-achieving students has learned more, SAT9 scores can indicate that both students' current achievement is well below state expectations and the national average. Average SAT9 scores can also reliably track gains of lower scoring groups over time.

Reliability Related to Test Purpose

The STAR Program statute does not contemplate that the SAT9 be used to identify ELLs or to prescribe any particular instructional program for an individual student. The state sets no cutoff scores for individual students and makes no interpretations about why a student performs poorly or what should be done about it. The SAT9 test is not designed to predict ELL status; its purpose is only to determine whether a student has achieved the tested skills at a particular point in time. If a school district chooses to use the SAT9, or any other standardized test, to make inappropriate decisions about ELLs, that action does not invalidate the state's appropriate use of the SAT9 to monitor school improvement in educating all students, including ELLs, nor does it affect the reliability of ELLs' test scores.

Reliability of Scores for Low-Scoring Students

Reliability is related to errors of measurement that occur when a student guesses correctly but really does not know the tested content or when a student misunderstands a question or is careless and misses an item measuring content the student does know. Because most tests contain more average difficulty items than very easy or very hard items, errors of measurement are slightly smaller for average students than for high- or low-scoring students. Nonetheless, a highly reliable standardized test such as the SAT9 can determine the relative proficiency of different groups of students with a high degree of accuracy.

Chance Level Scores

SFUSD et al.'s witnesses have argued that the SAT9 as administered by the state is unreliable because ELLs score at the chance level.[49] Such assertions are unwarranted for four major reasons: (1) low scores can indicate the absence of skills; (2) students do not respond randomly to all achievement test items; (3) a fair accountability system requires the inclusion of all stu-

[49]Declaration of Edward De Avila, April 9, 1998, ¶ 5.

dents; and (4) SFUSD et al. data indicate that the vast majority of ELLs<30 score above the chance level on the SAT9.

Low Scores Indicate Absence of Skills

If the purpose of the test is to measure acquisition of grade level content in English and a student can score no better than chance, the student's low test score accurately reflects an absence of the tested skills. A test can validly indicate what a student cannot yet do as well as measuring what a student has achieved.

Scoring at the chance level means that the student obtained the same number of correct answers as would be predicted for a student marking answers randomly. A student who randomly chooses an answer to a multiple-choice question with four answer choices will guess correctly about one out of four times. On a test consisting of 100 four-choice multiple-choice items, a student choosing answers randomly would be expected to correctly answer about 25 percent of the items by chance. Thus, a student who receives a score of 25 on this test has performed similarly to a student who marks the answers randomly without looking at the test questions.

When a student can perform no better than chance, it is a valid indication that the student's academic achievement is below that measured by the test. This does not indicate a problem with the test but rather indicates that the student needs more instruction on the skills measured by the test. For ELLs<30, that instructional assistance may include English language instruction in addition to content area instruction.

Students Do Not Respond Randomly to All Achievement Test Items

The chance model referred to by SFUSD et al.'s witnesses is not an appropriate model for achievement testing because students do not choose answers for all the items at random. On well-constructed achievement tests such as the SAT9, students with partial knowledge are able to eliminate one or more answer choices or are drawn to incorrect answers reflecting common misunderstandings. In addition, students taking tests with no consequences for them tend to leave items they do not know blank. As a result, low-achieving students may receive lower scores than predicted by a chance model. These low scores indicate that the student is not yet able to do what the test measures. Determining the reasons for the deficiency and how it will be remedied are matters for each district to decide.

Another reason why the chance model is not an appropriate model for ELL responses to SAT9 items is that English proficiency is not always required to answer SAT9 items correctly. In particular, some math computation items require little or no English proficiency. For others, pictures provide significant help in understanding what to do. Several examples of the types of items for which elementary students with limited English skills

who had learned the tested content could be expected to answer correctly, even without fully understanding the English words, are contained in the SAT9 *Guides for Classroom Planning*.[50]

A Fair Accountability System Requires Inclusion of All Students

The state imposes no consequences for individual students, including those who score at the chance level. Chance level scorers may be ELLs<30, ELLs>30, or native English speakers who have not yet achieved the tested skills due to language difficulties or lack of content knowledge. It is important to include such students in the state's school accountability measure to get an accurate estimate of the achievement status of the school so that resources can be targeted to those schools that most need them.

If ELLs<30 who might achieve chance scores due to their language difficulties were excluded, it could artificially inflate the school averages and make the school appear to be performing acceptably when in fact there was great need for instructional resources to assist those ELLs<30 who had not yet achieved the tested skills. In addition, if a school is to earn a reward for outstanding improvement, that improvement should reflect improvement for the entire student population of that school, not just selected students. **If the school is doing its job, an ELL<30 who scores at the chance level this year should score above chance next year**. It is appropriate for the state to set growth targets based on all students and to provide assistance to those schools with the largest populations of underachieving students.

Most SFUSD et al. ELLs Score above Chance

Chance level scores and their corresponding national percentile ranks for SAT9 Reading and Math tests at selected grades are instructive. Except for the Math test in Grades 7 and 10, the NPRs for the chance level scores are 5 or less. This means that a student scoring at the chance level has received a higher score than only 5 percent or less of the students in the national norm group.

SFUSD et al. create the impression that most ELLs<30 score at the chance level.[51] However, this belief is not supported by the data. The percents of SFUSD, OUSD, and HUSD ELLs<30 and ELLs>30 scoring above the chance level on the 2000 SAT9 Reading and Math tests in Grades 2, 4, 7, and 10 **demonstrate that the vast majority of ELLs<30 are scoring above the chance level. In many cases, the percent of ELLS<30 scoring above the chance level is similar to or exceeds that of ELLs>30.**

For example, SFUSD ELLs<30 had equal or better results than ELLs>30 half the time for Reading and all the time for Math. For OUSD,

[50]See Primary 2, p. 10, 13, 16; Intermediate 1/2/3, p. 14, 17; Advanced 1/2, p. 14, 15.

[51]Declaration of Edward De Avila, April 9, 1998, ¶ 5.

the percent of ELLs<30 scoring above chance was greater than that for ELLs>30 in three of the eight comparisons and within 7 percentage points in all but one of the remaining comparisons. HUSD ELLs<30 had a slightly lower percent of students scoring above chance than ELLs>30 and, except for Grade 10, were in the high 80s and low 90s. The magnitude of the differences between ELLs<30 and ELLs>30 ranged from 0-8 percentage points for SFUSD, 1-10 percentage points for OUSD, and 1-7 percentage points for HUSD. **These data indicate that the SAT9 is at an appropriate level of difficulty for measuring ELLs<30 and that the vast majority of these students have learned some of the skills measured by the test.**

Differential Performance

The term "discrimination," also known as differential performance, is used in multiple psychometric contexts. It can refer to item discrimination, test "bias," or impact data.

Item Discrimination

When an achievement test is developed, one of the item statistics used to judge item quality measures the degree to which items "discriminate" between those who have learned the tested content and those who have not. That is, the intent is that students answer items correctly when they have learned the tested content but incorrectly if they have not. Use of such item statistics in test development assists publishers in identifying and eliminating items that are miskeyed, ambiguous, have more than one correct answer, or have other flaws that interfere with accurate measurement of a student's knowledge and skills.

Test "Bias"

Test "bias" is another testing concept related to the term discrimination. Measurement experts consider items on a test to be biased if construct irrelevant variance causes differential performance for students in a particular racial or ethnic group. SFUSD et al.'s experts argue that the SAT9 is biased against ELLs<30 because it includes the construct irrelevant variance of lack of English proficiency. As explained in the section on validity above, English proficiency is part of the skill being measured **so differences in English proficiency among students or groups constitute *construct relevant* variance.**

Any student, including a white native English speaker from a low socioeconomic background, who lacks proficiency in English will score poorly. ELLs<30 are not being singled out because of their race or ethnicity or national origin. Rather, when they receive low test scores it is because they cannot yet do what the test measures. Thus, the group of students for whom

there will be differential performance on the SAT9 will include all students from both minority and majority groups who cannot yet do what the test measures.

Impact Data

Impact data compare the test performance of majority and minority students. For example, a high school graduation test with a white passing rate of 90 percent and an African-American passing rate of 70 percent has a differential impact of 20 percent.

SFUSD et al. argue that the SAT9 test discriminates against ELLs because their average test performance is lower than that for nonELLs. For example, a declaration of one of SFUSD et al.'s experts reports SAT9 means by grade for ELLs and nonELLs in Reading and Math for 1998 and 1999 and uses a statistical test to conclude that the means for these two groups are significantly different.[52] This argument is psychometrically incorrect and misconstrues the purpose of the test.

For example, if students in Group A have learned more of the tested content than students in Group B, a well-constructed achievement test should recognize the differential achievement in these two groups by producing mean test scores that are higher in Group A than Group B. Thus, if ELLs are like the students in Group B because they have not yet fully achieved academic proficiency in English, lower average achievement scores for ELLs are appropriate and reasonable.

Once these students' English skills show enough improvement, they will be redesignated fluent English proficient (FEP) and will become part of the nonELL group. Thus, the makeup of the ELL group will be constantly changing as new students arrive and existing members of the group are reclassified. Because the ELL group is a temporary classification for students with the least proficiency in English, one would expect this group to continue to score lower on average than students who do not share this characteristic. On the other hand, one should be concerned when the test scores for the *same* students classified as ELLs for several years indicate little or no gains in achievement.

Because an ELL designation indicates a temporary lack of some of the skills necessary to perform well on the SAT9, lower performance may occur until the student has learned the tested English language and content skills. If differences in ELL and nonELL average test scores were judged to constitute discrimination against ELLs, then by the same logic, the test would also discriminate against Title I students (students achieving significantly below grade level who receive special help in federally funded programs)

[52]Declaration of John Poggio, June 30, 2000, Tables p. 1-2. Results of repeated independent t-tests for the difference in 1999 SAT9 ELL and nonELL means across grades yielded t values of 211.6-868.6 for Reading and 114.5-589.7 for Math (Tables 1B & 2B).

whose test performance is also lower than students not classified as Title I. Both ELLs and Title I students have been identified for membership in their respective groups based in part on their academic functioning. Until that academic functioning changes, it is appropriate that they may achieve lower scores on a related academic test.

One should not expect equal test scores for groups, such as ELL and nonELL, which are defined by some of the same academic skills measured by the test. However, because ELLs begin with an academic disadvantage, ELLs must experience an accelerated rate of growth to catch up with those who begin ahead of them.

Other Low-Scoring Subpopulations

California state data demonstrate that ELLs are not the only low-performing group. SAT9 2000 NPRs for the average student in groups designated nonELL, ELL, Economically Disadvantaged, and Special Education are reported for Reading and Math in Grades 2, 4, 7, and 10 and indicate similar test performance for ELLs, Economically Disadvantaged, and Special Education students statewide.

Incorrect Statistical Analysis

In addition to being inappropriate psychometrically, the impact analysis of SFUSD et al.'s expert is incorrect because it uses inappropriate statistical techniques. Computation of a t-statistic is only appropriate when applied to *samples* of students. The data SFUSD et al. use to make their comparisons are not samples of students but rather the entire population of students tested in California for two consecutive years. In 1999, the number of ELL students tested in California ranged from 127,406 in Grade 3 to 38,202 in Grade 11 with 83 percent of Grade 3 ELLs tested and 74 percent of Grade 11 ELLs tested.[53]

When calculations are based on a substantial proportion of the population, the observed differences are reasonable estimates of the actual population differences. **No statistical calculations are required to state the obvious: aggregated scores for ELLs are lower than aggregated scores for nonELLs.**[54] The important issue is deciding how to interpret this information.

Unfortunately, due to the large numbers of students in each group, use of statistical tests in such situations produces meaningless results that are not helpful for describing the practical significance of the observed differences.[55] In fact, the use of statistical tests for evaluating impact in large pop-

[53]California STAR state summary report, www.cde.ca.gov, 9/13/00.

[54]Because the ELL students excluded from testing by some districts were probably their least able students (in OUSD that was the case in 1999), inclusion of these students' scores would not have changed the result.

ulations will indicate significant impact unless the observed difference is less than 1 percent, a trivial difference in practical terms. As already indicated, the lower average group scores of ELLs relative to nonELLs are an accurate reflection of the differential skill levels in the two groups at a given point in time.

Improvement of Low-Performing Groups

In my experience with statewide testing, it is common for new statewide testing programs to draw criticism from advocates for "at risk" groups likely to score poorly on initial test administrations. However, over time, such programs typically have recorded substantial achievement gains for at-risk populations that would not have occurred absent the public scrutiny and accountability associated with testing.

For example, initial passing rates for minority students on a high school graduation test in Texas increased substantially over a five-year period. In 1994, 29 percent of African-Americans and 35 percent of Hispanics passed all tests taken for the first time in tenth grade. By 1998, these percentages had risen to 55 percent and 59 percent, respectively.[56]

Similar trends for ELLs are apparent in the three years of data currently available for the SAT9. Statewide data summarize SAT9 NPR gains for ELLs from 1998 to 2000 in Reading and Math for Grades 2, 4, 7, and 10. These data indicate gains in all grades and subjects with the largest gains for math in the elementary grades. For example, NPR scores for the average ELL student in Grade 2 Reading rose from 19 in 1998 to 28 in 2000; for Math the values were 27 and 41, respectively. For Grade 4, the corresponding values were 15 to 20 for Reading and 21 to 30 for Math.

Comparisons for SFUSD et al. districts and three other districts[57] which have been particularly successful with ELL students are also instructive. The demographic data demonstrate that the three comparison districts are similar in size, percent of ELLs, and current performance to the SFUSD et al. districts. Where the three comparison districts differ most is in the size of the gains they have achieved with their ELL students. While the SFUSD et al. districts' gains are smaller than statewide gains, the three comparison districts have SAT9 gains from 1998 to 2000 which are larger than the statewide gains.

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[55]In addition, when the number of students in each group is large, a z-test is more appropriate than a t-test. A t-test is designed for small sample comparisons of 30 students or less per group. Moreover, when multiple comparisons are being made, a MANOVA analysis is more appropriate than a series of t-tests to constrain experimental error to an appropriately low level.

[56]TEA Statewide Results, www.tea.state.tx.us.

[57]Alameda City Unified School District (AUSD), Inglewood Unified School District (IUSD), and Oceanside Unified School District (OcUSD).

Another way to evaluate the improvement of ELLs in districts is to examine the percent of students scoring above the 25th NPR, 50th NPR, and 75th NPR. These data for SAT9 2000 indicate, for example, that in both Reading and Math, AUSD has a greater percentage of all ELLs above the national average in 2000 than either SFUSD or OUSD have for only their ELLs>30. This trend also holds for comparisons at the 25th and 75th NPRs.

In sum, both the percents of students scoring above specified NPRs and the gains of ELLs from 1998 to 2000 indicate substantial progress for ELLs at all score levels in the three comparison districts. The ELL programs in AUSD, IUSD, OcUSD, and other similarly effective districts can be studied further to determine whether their methods can be exported to other districts.

In addition, ELLs enrolled for less than 12 months (ELLs<12) on average score substantially above the chance level. The results for ELLs<12 are reported by subject and grade for the state, OUSD, and AUSD. For comparison, the NPR corresponding to a chance level score for each subject and grade is also available. These data demonstrate that even in OUSD, where ELLs<12 score below the state average, their average scores are still above the chance level, especially in the elementary grades for reading and all grades in Math. The data for AUSD show ELLs<12 performing above the state average, including an NPR of the "average" student of 50 in Grade 2 Reading and 64 in Grade 2 Math.

Comparing ELLs<30 and ELLs>30

SFUSD et al.'s claim that ELLs<30 lack sufficient English proficiency for the SAT9 would lead one to expect scores for ELLs<30 to be generally lower than those for ELLs>30. That is, one would expect the distribution of SAT9 scores for ELLs<30 to be shifted lower on the score scale than the distribution of SAT9 scores for ELLs>30. However, test score data provided by SFUSD et al. for ELLs<30 and ELLs>30 indicate considerable overlap in scores for the two groups. Further, students in both groups obtained both very high and very low scores.

Numbers of Students Enrolled and Tested

The numbers of ELLs<30 and ELLs>30 enrolled and tested in SFUSD, OUSD, and HUSD by subject and grade are available by year, as is the percent of enrolled students tested.

For SFUSD in 1994, the percent of ELLs<30 tested ranged from 76 percent to 90 percent and was higher than the percent of ELLs>30 tested. However, by 1998, the percent of ELLs<30 tested had declined sharply to a range of 19 percent to 38 percent and was about half that for ELLs>30.

By 2000, the percent of ELLs<30 tested was up about 10 percent.

For OUSD in 1998, the percent of ELLs<30 tested ranged from 18 percent to 44 percent, similar to that for SFUSD, and was significantly less than the percent of ELLs>30 tested. However, by 2000, the percent of ELLs<30 tested had risen sharply to a range of 62 percent to 84 percent and was much closer to the percent of ELLs>30 tested.

HUSD demonstrated a similar pattern of increase in the percent of ELLs<30 tested from 1998 to 2000. It is also apparent from the data that not all ELLs>30 are being tested in any of these districts. In some cases, the percent of ELLs>30 tested was as low as 55 percent to 65 percent in 1998 although OUSD and HUSD were in the mid 70s or higher by 2000.

The calculations for these findings were based on enrollment data and student scores provided by the districts. Because it is possible that the enrollment data were collected at a different time than test administration data, the percents of students tested may have been affected by students changing categories from less than 30 months to more than 30 months. To provide an overall picture of percent of ELLs tested, it is necessary to combine the data for ELLs<30 and ELLs>30 to produce total percents of enrolled ELL students tested. For 1998, the percent of ELLs tested ranged from a low of 23 percent to 26 percent in Grade 2 for SFUSD and OUSD to a high of 64 percent to 73 percent in Grade 7 in these districts. HUSD percents of ELLs tested ranged from 38 percent to 61 percent. For 2000, the percents were noticeably higher in all districts for each grade and subject. These data again demonstrate that even those districts claiming to have tested all their ELLs fell far short of 100 percent.

Test Peformance

Test data for ELLs>30 and ELLs<30 for SFUSD, OUSD, and HUSD were analyzed for Reading and Mathematics for Grades 2, 4, 7, and 10 across several years for CTBS and SAT9 test scores.[58]

Predictably, the SFUSD data show that the test performance of ELLs<30 increased over the years at the elementary level as a smaller percent of students were tested. Performance of ELLs>30 has also increased across the years with 1999 Reading standing out from the other years. Scores are also generally higher in Math than in Reading because the Math test items tend to be less dependent on language skills.

The distributions of ELLs<30 and ELLs>30 show a great deal of overlap between the two groups. SFUSD claimed its teachers selected only those ELLs with sufficient English language skills to take the SAT9. Thus, the SFUSD-tested ELLs<30 are probably a more able group than all ELLs<30 in the district. This is demonstrated by the ELLs<30 distribu-

[58]HUSD did not test ELLs<30 prior to 1998 so HUSD comparative data includes only SAT9.

tions being shifted slightly to the right of the ELLs>30 distributions and by the often higher mean NCE scores for ELLs<30, particularly at the elementary grade levels in Reading and all grade levels in Math. Nevertheless, there were low scoring ELLs<30 in all years.

But not all ELLs<30 score in the low range. Not surprisingly, significant proportions of SFUSD ELLs<30 score in the average range and some score in the high range.

Moreover, the data for OUSD and HUSD provide similar results. For OUSD, the number of ELLs<30 has gone down and back up again since 1996. Test scores have gone up and then declined in 2000. The pattern for ELLs>30 is similar. ELLs<30 and ELLs>30 distributions overlap substantially and there are average and high scoring students in the ELLs<30 group. For HUSD, more students are being tested and test performance has increased slightly from 1998 to 2000. Again, distributions for ELLs<30 and ELLs>30 overlap substantially and there are average and high scoring students in the ELLs<30 group.

Ethnic and ELL Language Group Differences

Students in SFUSD et al.'s schools are ethnically diverse, and different language minority groups perform at different levels on standardized tests. For example, the three largest language minority groups for SFUSD are Chinese, Spanish, and Filipino. In 1998, Chinese students comprised 27 percent of the SFUSD enrollment and 40 percent of ELL students. Corresponding statistics were 7 percent and 6 percent for Filipino and 21 percent and 37 percent for Latino students, respectively.[59] The 1994–1998 CTBS data for Reading and Math in Grades 4 and 10 indicate a consistent pattern of above average performance for Chinese students, near average performance for Filipino students, and below average performance for Latino students.

The performance of SFUSD ELL students by language minority group mirrors that for the total group. ELL data for 1994–1998 CTBS Reading and Math tests in Grades 2, 4, 7, and 10 indicate that in each case, the Chinese ELL students score noticeably higher than the Spanish ELL students.

In addition, the redesignation rates from ELL to nonELL are higher for Chinese ELLs than for Spanish-speaking ELLs. For example, for SFUSD in 1999, Chinese ELLs constituted 43 percent of the ELL population but 57 percent of the redesignations.[60] Corresponding statistics for Spanish language students were 37 percent and 20 percent, respectively. These differences across language minority groups may account for the wide range of

[59]SFUSD 1998 annual Academic Achievement Report.

[60]SFUSD 1999 annual Academic Achievement Report.

test scores observed for both ELLs<30 and ELLs>30.

Similar results emerged from OUSD LEP Achievement Reports.

Thirty Months Is an Arbitrary Exclusion Criterion

SFUSD et al. claim that ELLs<30 should be exempted from SAT9 testing because they have insufficient English language proficiency to score better than chance and their scores are therefore invalid and unreliable. However, as indicated in the analyses present earlier, the available data do not support this assertion. In sum:

1) Scores for ELLs<30 are as reliable as scores for ELLs>30, comparable in reliability to scores for all students in the SAT9 norming group, and exceed the stringent .85 rule of thumb for high-stakes decisions for individual students.

2) The vast majority of ELLs<30 score above the chance level.

3) Gains for ELL students in three comparison districts at the elementary level are substantial, above the state average, and based on testing 95 percent or more of the students in those districts. In contrast, SFUSD et al. are achieving much smaller or negative gains testing 67 percent–93 percent of their ELLs.

4) Distributions of SFUSD et al. test scores for ELLs<30 and ELLs>30 show substantial overlap, indicating that the 30-month criterion does not distinguish lower-scoring students.

5) The range of smallest to largest scores is also similar for both groups and comparisons of students by category indicate that there are high and low scoring students in both groups.

6) A study by the Accountability Advisory Committee indicated no line of demarcation in time of enrollment that would distinguish ELLs with high and low scores on the test.[61]

7) Less than 30 months of enrollment in the district is a poor proxy measure of English language proficiency. Based on an English language proficiency assessment instrument (LALAR) for ELLs under development by SFUSD, the relationship between number of months of enrollment and LALAR total score is negligible. The data indicate that correlations in grades 2 and 4 are .13 and .23, respectively, also indicating that length of enrollment accounts for at most about 5 percent of the variance in language proficiency scores. The remaining 95 percent of the variance in

[61]Deposition of William Padia, May 2, 2000, p. 74-75.

scores is accounted for by other factors.

8) ELLs enrolled for less than 12 months on average score substantially higher than chance statewide and near average for their grade level in some districts.

For these reasons, 30 months is an arbitrary exclusion criterion and is not supported by the available data.

Inappropriateness of Applying NAEP Criteria

The Assessment Act provides that in adopting assessments, California should:

> Develop assessments that are comparable to the National Assessment of Educational Progress [NAEP] *and other national and international assessment efforts,* so that California's local and state test results are reported in a manner that corresponds to the national test results.[62]

When interpreting the directive to develop assessments comparable to NAEP, several important factors must be considered. NAEP and SAT9 are distinguishable in important respects in that NAEP is not administered annually to all students in grades 2 through 11, does not produce individual student scores, does not report student scores to parents or schools, does not measure longitudinal growth of individual students or schools, and is not used to allocate rewards or remedial resources to schools or districts. These distinctions reflect the difference in purpose between the two assessments. Thus, from a psychometric perspective, the reference to NAEP in the STAR statute may be logically construed to refer to the production of national comparisons and not to mean that the selected tests mirror NAEP in every respect.

Further, according to documentation of the National Assessment Governing Board (NAGB) meeting, the NAEP decision to change the exclusion criteria from a two- to a three-year enrollment requirement was not based on empirical research but on lobbying by those who wanted to increase ELL participation in NAEP by offering more "accomodations" and primary language testing in Spanish. The change in exclusion criteria was part of the compromise that resulted. It did not constitute a finding by NAEP that ELLs in general should be excluded from standardized testing for a specific time period. The net effect of the compromise was to exclude more ELL students from the main NAEP sample while increasing their participation in the "accommodations" research sample.

[62]CEC § 60602(a)(5), emphasis added.

In addition, the number of ELL students involved in the NAEP decision was small. NAEP estimated that about 3 percent of eighth graders in regular schools were ELL in 1992 and about two-thirds were excluded from NAEP testing. This resulted in about 2 percent of the population being excluded due to ELL status. In contrast, in California, about 25 percent of its students are ELLs. Excluding two-thirds of those students would eliminate 16 percent of the student population from the accountability system. Obviously, under the new NAEP exclusion criteria, the proportion of ELLs excluded in California would be even higher.

Alternatives to Statewide Testing

No test is perfect or completely error free. But before deciding to eliminate a particular test use, one must consider the alternatives for decision-making. Without objective test information, decision-makers may be forced to rely on data that are less valid, less reliable, more prone to unidentified subjective biases, and less helpful for the intended purpose.

For example, if use of the SAT9 were proscribed for evaluating the achievement of ELLs<30, district personnel would still have to decide whether their ELLs<30 were making adequate progress. They could rely on teacher evaluations, but the survey data of ELL classroom tests produced by SFUSD et al. indicate clearly that there is no consensus among teachers within a district about whether tests should be given in English to ELLs<30s, if so what those tests should cover, whether and what modifications should be made, or whether these students should be given a second chance to take the same test. In grading ELLs<30, these results suggest that the criteria used and the weight given to each would vary considerably across teachers.

Research has demonstrated that when assigning grades, teachers consider such factors as attitude, effort, improvement, and attendance in addition to achievement of subject matter content. A recent article in *Education Week* reported a geometry teacher who gave extra credit to students who brought canned goods for the food bank. Inclusion of such factors in student grades renders grades a poor substitute for tests designed to measure specific subject matter skills. While useful for certain purposes, dependence only on teacher evaluations of ELLs would produce data that are not comparable at the district or school level and may not even be comparable within classrooms. Attempts to aggregate such data would provide misleading, incomplete, and inaccurate measures of the progress of ELLs<30 within a district.

Alternatively, the district could avoid collecting any evidence at the district level and rely on schools and teachers to monitor instructional effectiveness. However, leaving such decisions to the schools is contrary to legislative policy and creates a strong probability of lack of uniform treatment

of ELLs<30 across the district.

SABE2 Testing

The Spanish Assessment of Basic Education, Second Edition (SABE2) measures academic skills in Spanish. The 1994 SABE2 Technical Report states that the purpose of the test is to evaluate the success of bilingual programs and to evaluate student progress in bilingual programs.[63] The publisher states that the content of the SABE2 is based on common educational objectives from state and district Spanish-language curricula and that the test is designed to be used with students for whom the language of instruction is Spanish.

In areas with minimal language usage, such as math computation, the publisher borrowed items and item content from its English language achievement test. But for areas heavily influenced by the nature of the language, such as word attack, vocabulary, comprehension, spelling, and expression, unique items were written to match appropriate Spanish language objectives and to provide appropriate difficulty and naturalness of language.

Just as a low score on the SAT9 indicates that the student cannot yet demonstrate the academic skills it measures in English, a low score on the SABE2 indicates that the student cannot yet demonstrate the academic skills it measures in Spanish. However, because the two tests measure different academic skills, one cannot compare the performance of one student in English and another in Spanish and determine which student has demonstrated greater academic achievement.

The content specifications for the SABE2 are different from the content specifications for the corresponding subject matter tests of the SAT9. Because the SABE2 and SAT9 measure different skills, SABE2 scores cannot be aggregated with SAT9 scores to produce grade, school, district, county, or statewide summary results as CEC § 60643 requires.

In addition, there are no "truly" national norms for the SABE2. The publisher obtained a sample of approximately 1,000 Spanish language students drawn from nine states, but this did not constitute a random sample of Spanish-speaking students in bilingual programs in the U.S.[64] As a result, parents receiving only scores from the SABE2 have limited normative information for comparing the progress of their students.

Linkage to CTBS4 Norms

The publisher of the SABE2 used a unique research design to link SABE2 scores to the national norms for the CTBS4. However, the design requires

[63] P. 1.

[64] SABE2 technical report, p. 23.

a number of strong assumptions that may not be justified. For example, a bilingual sample was used to establish the equivalency of item difficulty for matched pairs of Spanish and English items. This equivalency is dependent on the assumption that the bilingual sample group is equally skilled in the two languages. This assumption is unlikely to be met in practice because students who speak and understand two languages are usually more proficient in one than the other. Thus, relative differences in language proficiency may mask differences in difficulty of the content tested. In addition, expert raters judging item difficulty of English items tend to differ significantly from subsequent empirical data. Judging the equivalency in difficulty of English and Spanish items would appear to be an even more difficult task.

More importantly, even if the linking were defensible, an interpretation of comparable achievement is not. A student who scores at the CTBS 50th percentile based on SABE2 performance has responded entirely in Spanish. Performance in Spanish provides no information about how the student would have performed on different CTBS content in English.

Conclusion

For the reasons presented in detail in this report, it is my professional opinion that the testing of ELLs<30 in California is consistent with applicable professional standards, that the 30-month cutoff is an arbitrary value unsupported by available data, and that ELLs<30 benefit from inclusion in the STAR Program.

Settlement Agreement

This Settlement Agreement and Release (referred to herein as the "Agreement") is entered into as of the effective date as set forth in paragraph 24, by and between: (1) the California Department of Education and the State Superintendent of Public Instruction (collectively, "CDE"); (2) the California State Board of Education ("SBE"); (3) San Francisco Unified School District, its Superintendent, named Board members (collectively "SFUSD"); (4) Berkeley Unified School District and its Superintendent (collectively "BUSD"); (5) Oakland Unified School District and its Superintendent (collectively, "OUSD"); (6) Hayward Unified School District and its Superintendent (collectively "HUSD"); and (7) Real Parties in Interest Carlos Berviz (hereafter "Berviz"), hereinafter collectively "the Parties" or "Party."

WHEREAS, On or about April 2, 1998, CDE filed a complaint for declaratory relief and petition for peremptory writ of mandate against SFUSD in the California Superior Court for the City and County of San Francisco, case number 994049 (the "Action"), which was amended to include SBE as a plaintiff/petitioner; and,

WHEREAS, On or about May 18, 1998, SFUSD filed on behalf of itself a cross-complaint against CDE and SBE in the Action, which has been amended from time to time; and

WHEREAS, On or about June 25, 1998, OUSD, BUSD, and HUSD intervened and filed a complaint on behalf of themselves against CDE and SBE in the Action, which has been amended from time to time; and

WHEREAS, On or about May 8, 1998, Carlos Berviz and Jose Aviles intervened and filed a complaint against CDE and SBE in the Action on behalf of themselves and all students attending SFUSD who are limited English proficient and who have attended California public schools for less than 30 months; and

WHEREAS, the Parties, expressly denying and disclaiming any liability or wrongdoing whatsoever, wish to avoid the extensive time and further costs of litigation and, upon full satisfaction of the terms of this Agreement, to fully and finally settle and discharge all claims asserted by any Party in the Action;

NOW THEREFORE, The Parties have reached this Agreement as a full and complete settlement of all disputes and claims stated in the Action. For and in consideration of the valuable covenants and consideration described herein, receipt of which is hereby acknowledged, the Parties agree as follows:

1. SFUSD, OUSD, BUSD, HUSD AND Berviz agree that all English Language Learner ("ELL") students enrolled in California public schools in grades 2-11 shall take the achievement tests under the Standardized Testing and Reporting ("STAR") Program in English, specifically including the standards based test and the norm based test and their successor tests, subject only to applicable IEPs or statutory exemptions.

2. SBE will amend Title 5, Code of California Regulations, Section 852(a) to state in its entirety: "A parent or guardian may submit to the school a written request to excuse his or her child from any or all parts of any test provided pursuant to Education Code section 60640. A school district and its employees may discuss the STAR Program with parents and may inform parents of the availability of exemptions under Education Code 60615. However, the school district and its employees shall not solicit or encourage any written exemption request on behalf of any child or group of children."

3. Where the basis for denying rewards, implementing interventions or taking any other action affecting a school or district under the Public School Accountability Act is shown by a district to be solely attributable to the scores of ELL students, the district, on its own behalf or on behalf of a school, may submit a request for a general waiver to the State Board of Education pursuant to Education Code Section 33050 based on such facts. CDE will recommend that the SBE as a matter of policy consider favorably, among other factors which the SBE or CDE may consider, a showing of improvement in student performance on the ELD test, when implemented. The SBE agrees to use its best efforts to implement and adopt the policy set forth in this Agreement as soon as reasonably possible.

4. SBE and CDE agree that administration of the STAR Program tests with the use of standard or non-standard accommodations as set forth in Title 5 of the California Code of Regulations, Section 853 will constitute "participation" for the purpose of eligibility in the Governor's Performance Award Program and other awards or grant programs based on the Academic Performance Index, subject to applicable law as set forth in Education Code sections 400 et seq., 44650 et seq. and 52050 et seq.

5. SBE and CDE agree to include in the State Superintendent's annual report under Education Code Section 60630 a report of the primary-language academic achievement tests to the extent that districts administer such tests.

6. SBE CDE agree that the State Superintendent's guidelines for professional development under Education Code Section 60640(c) will include guidelines for the use of ELL student STAR Program scores. These guidelines will state that the STAR Program scores of both ELL and non-ELL students may reflect the student's English language ability and his or her academic knowledge, and will advise educators that it is best educational

practice to rely upon multiple independent information sources (including without limitation primary language test scores, report cards, student portfolios, and teacher observations) when modifying instruction for the purpose of improving pupil learning.

7. The Parties agree that Judge Paul Alvarado of the Superior Court for the City and County of San Francisco will determine what amount of costs and attorney's fees, if any, SFUSD, OUSD, BUSD, HUSD and Berviz may recover from SBE nd CDE, pursuant to noticed motion, the parties' papers and oral argument. The parties further agree that such recovery, if any, shall not exceed $150,000.00 for costs and $150.000.00 for attorney's fees in total for this Action.

8. SBE and CDE agree that they understand that SFUSD, OUSD, BUSD, and HUSD will receive 1999-2000 ELAP funding under Item 6110-485, subdivision (q) of Chapter 52 of Statutes 2000.

9. To the extent permitted by law and subject to judicial approval, SBE, CDE and Berviz stipulate to certification of a settlement class consisting of all ELLs with less than 30 months of public school instruction enrolled in California public schools. The settlement class approved by the Court shall be bound by the terms of this Agreement, including dismissal with prejudice of any claims set forth in Berviz complaint, subject to notice and an opportunity to opt out. CDE and SBE shall bear all costs related to certification of and notice to the settlement class approved by the Court. SBE, CDE and Berviz further stipulate that any notice required for a settlement class shall consist of publication in newspapers of general circulation as agreed upon by SBE, CDE and Berviz, including newspapers in languages other than English, and shall further consist of written notice sent to school districts. Scope of publication issues, if any, shall be submitted to the Court's jurisdiction. The text of any required notice shall be prepared by SBE and CDE and forwarded to Berviz for review and comment and shall be approved by the Court before publication. SBE and CDE agree to reimburse Beviz for reasonable attorneys' fees and costs incurred in the certification of the settlement class not to exceed $15,000.

10. Within five days after the Effective Date of this Agreement as set forth in paragraph 24, each Party shall file all necessary papers for dismissal with prejudice of the Action and each and every separate complaint, petition and cross-complaint therein. Each Party will simultaneously mail a file-endorsed copy of the filed dismissal papers to each other Party.

11. Subject to Paragraph 7 above, each Party hereby releases, acquits and forever discharges each other Party and its board members from any and all claims, demands, actions, causes of action, suits, obligations, controversies, expenses, costs, and fees of any type or nature whatsoever, in equity or at law, by statute or common law, alleged in this Action.

12. The Parties agree that this Agreement is subject to the provisions of

Code of Civil Procedure Section 664.6. The Parties stipulate that Judge A. James Robertson II of the Superior Court for the City and County of San Francisco shall retain jurisdiction over the Parties to enforce this Agreement and decide any dispute arising under it. In the event that it is necessary for any Party hereto, or its authorized representative, successor or assign, to institute suit to compel performance of any of the obligations contained herein or to preclude a purported violation of the terms of this Agreement, the prevailing Party in such suit shall be entitled to reimbursement for reasonable costs, expenses, and attorneys' fees incurred by it in such suit, subject to the requirements of Code of Civil Procedure sections 1021.5 and 1032.

13. The Parties agree that neither the existence of this Agreement nor any of its terms nor compliance with this Agreement shall be taken or construed to be an admission of any sort on the part of any Party.

14. Except as otherwise provided herein, each Party fully understands that if the facts with respect to which this Agreement is executed be found hereafter to be different from the facts now believed to be true, it expressly accepts and assumes the risk of such possible difference in facts and agrees that this Agreement shall be and remain effective notwithstanding such difference in facts.

15. This Agreement may be pleaded as a full and complete defense to, and may be used as a basis for an injunction against any action, suit or other proceeding of any sort that may be instituted, prosecuted or attempted by any Party in breach of this Agreement.

16. This Agreement shall be binding upon and shall inure to the benefit of all Parties and of all class members certified pursuant to Paragraph 9 of this Agreement.

17. This Agreement is in lieu of, supersedes and extinguishes all other agreements, negotiations, understandings, and representations which may have been made or entered into by and between the Parties and constitutes the entire Agreement between the Parties. It is expressly understood and agreed that this Agreement may not be altered, amended, modified or otherwise changed in any respect or particular whatsoever except by a writing duly executed by an authorized representative of the Parties.

18. This Agreement shall be governed by California law.

19. This Agreement shall be interpreted and construed neutrally in accordance with the plain meaning of the language contained herein and shall not be presumptively construed against the drafters.

20. This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but such counterparts together shall constitute one and the same instrument.

21. Each Pary acknowledges and declares that it has read this Agreement, that it knows and understands the contents of the Agreement,

that it fully understands and appreciates the words and terms and effect of this Agreement, and that this Agreement has been executed freely, knowingly and voluntarily.

22. The Parties declare and represent that they have reviewed this Agreement in its entirety and in making this Agreement they have relied solely upon their own judgment, belief, knowledge, investigation, independent legal advice and research. Each Party acknowledges and declares that it has been represented by counsel throughout the litigation of the Action and with respect to the negotiation, execution and implementation of this Agreement and all matters covered by and relating to the Action and this Agreement, and that it has had the opportunity to be, and has been, fully advised by said attorneys with respect to its rights and obligations and with respect to the consequences of executing this Agreement.

23. This Agreement is contingent upon approval of the California Department of Finance, to the extent required by law.

24. The "effective date" of this Agreement is the date on which it is signed by the last Party referred to below or the Court certification of the subject settlement class as set forth in Paragaph 9, whichever is later.

Editor's Note: During the month of November 2000, all parties to the Agreement signed the document.

All That Glitters Is Not Gold

The Limits of the California Department of Education's English Learner Achievement Data

Christine H. Rossell

California has a 26-year history of bilingual education that was supposed to end with the implementation of Proposition 227 in the fall of 1998. The law required that children who were "English learners" (formerly called limited English proficient or LEP) be placed in a sheltered English immersion program in which nearly all instruction was in English but at a pace the child could understand.

Proposition 227 did not completely replace bilingual education because parents had the option of requesting that their children be placed in bilingual education after 30 days in a structured immersion classroom. As documented in Rossell (2001), the number of limited English proficient or English Learner (EL) students enrolled in bilingual education declined from 409,879 in 1997-98 to 169,440 in 1998-99 and then increased slightly to 169,929 in 1999-00.[1] The percentage enrolled in bilingual education declined from 29 to 12 percent to 11 percent across all grades. At the elementary level, the percentage enrolled in bilingual education declined from 39 percent to 15 percent and then increased slightly in 1999-00 to 16 percent. Similar declines were seen in most of the largest school districts in California, although San Francisco and Oakland are notable exceptions.

Most people, however, want to know not only the extent to which Proposition 227 actually eliminated bilingual education, but also the extent to which it increased achievement. After all, Proposition 227 was predicated on the assumption that English Learners had been greatly harmed by bilingual education. Article I, section 300(d) states:

[1]These data come from the California Department of Education (CDE) webpage, www.cde.ca.gov/demographics.

> WHEREAS the public schools of California currently do a poor job of educating immigrant children, wasting financial resources on costly experimental language programs whose failure over the past two decades is demonstrated by the current high drop-out rates and low English literacy levels of many immigrant children;...

But assessing the effect of Proposition 227, or alternatively of maintaining a bilingual education program, turns out to be quite difficult, despite the fact that the state test, the Stanford Achievement Test (SAT 9), is mandated for virtually everyone, including limited English proficient students,[2] and the test was administered the year before Proposition 227 as well as after, thus making pre-post comparisons possible. Moreover, the achievement data is publicly available on the website of the California Department of Education (CDE).[3] Not surprisingly, there has been a rush to draw conclusions from it. The purpose of this paper is to explain the limitations of the California achievement data and to critique Norm Gold's (2000) study, "Bilingual Schools Make Exceptional Gains on the State's Academic Performance Index (API)," one of many that ignores these limits.

No Test Scores for English Learner Programs

The state achievement data is kept by school and school district and disaggregated by LEP status, gender, economic status (advantaged, disadvantaged), special education status, and grade, but not by program or ethnic group. Amazingly, in light of all the publicity given to test scores after Proposition 227, it turns out it is not possible to compare the achievement of LEP students in a bilingual education program in a school to the achievement of LEP students in a structured English immersion program in the same school. Nor is it possible to compare the achievement of Hispanic LEP students, who typically are the LEP students enrolled in bilingual education, to that of other LEP students. This is a huge problem that makes it exceedingly difficult, and perhaps impossible, to draw conclusions from the CDE data about the relative effectiveness of all-English instruction or bilingual education.

Testing Rates

Equally as problematic is the fact that, although the state requires that all students be tested, this is in fact not occurring for English Learners. Approximately 94 percent of all students in California are tested annually on the SAT 9, which was first administered in 1997-98, the year before Proposition 227. As shown in Figure 1, however, only 89 percent of elementary English Learners and only 87 percent of all English Learners were tested in 1999-00, despite the state law requiring it.

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[2]Special education students with Individual Education Plans are exempted.

[3]http://star.cde.ca.gov.

The loophole in the state law is that parents have the right to remove their child from testing. Of course, given the lack of knowledge that parents typically have of such school activities, it is quite likely that the schools ask parents to remove their child from testing rather than the other way around.

These data overestimate the testing rates of LEP children because the LEP enrollment count comes from an earlier point in time than the test scores. Although the tests are taken in May, the LEP enrollment count could be taken anywhere from October (when the CBEDS enrollment reports are due) through March (when the Language Census reports are due). If school districts consistently reported Spring LEP enrollment (which they do not), the enrollment would be higher and the testing rate lower.

Two conclusions can be drawn from these data. First, there has been an increase in English Learner testing since 1997-98 that could offset any gains in achievement resulting from Proposition 227. If more students are tested, scores will go down, all other things being equal. Even if each individual student's scores went up, the aggregate outcome might be zero because of the inclusion of more low scorers in the later point in time. Second, not all English Learners are tested and this varies considerably by school district.[4] Comparing schools, or school districts, with different testing rates is the equivalent of comparing apples and oranges.

Testing Rates by Program

There is also a testing rate bias favoring bilingual education programs. Teachers can decide when their English Learners are ready to take standardized achievement tests and they tend to exempt more bilingual education students from testing than are exempted in alternative programs. In general, bilingual education advocates, teachers, and administrators believe that it is unfair to administer English language tests to students during the period when they are acquiring literacy in their native tongue.

Although there is a certain logic to this argument, from a program evaluation standpoint it is a disaster. It gives the bilingual education programs an unfair advantage over all-English programs since it is the lowest scoring students who are deemed not ready to be tested. Thus, a larger number of

[4]The state Board of Education has taken notice of the fact that not all students are being tested, but instead of focusing on the group that is not being tested—English Learners—they have adopted regulations (Article 1.7, sections 1031-1038, subchapter 4, Chapter 2, Division 1, Title 5 of the California Code of Regulations) that require that schools must have 85 percent of their students tested in spring 2000 and 90 percent tested in spring 2001 or they are ineligible for state performance awards. This may have some effect on the English Learner testing rate, but it may not have a large effect since it is possible to obtain a 90 percent testing rate for all students, but still have a much lower testing rate for English Learners if the latter group is not a large portion of the district.

low achieving students will be excluded in a bilingual education program evaluation than will be excluded in an all-English program evaluation.

Individual Data. Analyses of individual student data, only available from the school districts themselves, show this clearly. Ramirez et al.'s (1991) national study reported that 89 percent of the structured immersion students were tested in the K-1 analysis, but only 61 percent of the early exit bilingual education students were tested. In the grade 1-3 analyses, 42 percent of the immersion strategy students were tested, but only 29 percent of the early exit bilingual education students were tested.

There is recent evidence from California of even larger disparities. The Los Angeles Unified School District, for example, released a study in 1998 showing English Learners who were in bilingual education for five years outscored English Learners in all-English classes on the SAT 9. However, as shown on the left side of Figure 2, only 61 percent of the students in the bilingual program were thought to know enough English after five years to be able to take the test, but 97 percent of the students in the English language program took the test (Los Angeles Unified, 1998). Thus, the so-called superiority of bilingual education could easily have been an artifact of the exclusion of 36 percent more students with low scores from the bilingual program evaluation than the all-English program evaluation.

Bali (2000) found similar results in Pasadena, despite the fact that by 1997-98, the SAT 9 was mandated for all English Learners. As shown on the right side of Figure 2, the testing rate in Pasadena for the English Learners in bilingual education was 50 percent. The testing rate for those in English as a Second Language, by contrast, was 89 percent, almost twice as high as for bilingual education.

Aggregate Data. The bias in favor of bilingual education is also evident in the CDE aggregate data. Figure 3 shows the percentage of elementary English Learners taking the SAT 9 in California schools by the extent of enrollment in bilingual education in that school, using CDE data. As shown, in 1997-98, the percentage of English Learners being tested is 81 percent in a school with no bilingual education enrollment compared to 78 percent in a school with more than 120 students enrolled in bilingual education. This is further reduced to 76 percent when the bilingual education enrollment is above 240 and the percentage enrolled in bilingual education is above 40 percent. The testing gap between no bilingual education and some bilingual education has increased with Proposition 227, although the percentage tested has also increased across all categories. These data suggest that bilingual education enrollment in a school depresses the percentage tested, although we do not see the large differences evident in the individual data.[5]

[5]The individual student data are the preferred data since they allow one to link test scores to individual student characteristics, including program enrollment.

Table 1 presents a more extensive analysis of the relationship between bilingual education enrollment and school testing rates, controlling for the number of Spanish-speaking English Learners, the total school enrollment, and the percentage of the school eligible for welfare. This is done for each of the three years. The easiest way to interpret the relative strength of these variables is to look at the Beta, which is the standardized coefficient. The number enrolled in bilingual education has a significant, negative effect on the percentage of English Learners who are tested.

Figure 4 illustrates, for each test year, the reduction in the percentage of English Learners tested with each additional percentage enrolled in bilingual education controlling for the variables in Table 1. The bars are the b coefficients for bilingual education enrollment shown in the equations. For each additional student enrolled in bilingual education, there is a 3/100th, or 4/100th, of a percent reduction in the percentage of English Learners. Thus, in 1999-00, if a school increased its bilingual education enrollment from 0 to 33, we would expect the percentage of English Learners who are tested to decline by about one percentage point.

Successful "Bilingual" Schools

Some people are unaware of the problems with the aggregate data and the biases in test scores, while others just ignore them. One example of this is Norm Gold's[6] analysis of 63 successful "bilingual" schools (Gold, 2000). He concludes there were remarkable gains in the API (Academic Performance Index) for the school as a whole, and the Hispanic population in particular, that can be attributed to their successful bilingual education programs.[7]

We can assess whether such a conclusion is reasonable by examining bilingual education enrollment and testing rates in these schools using the same CDE database that Gold used. The school by school data are shown in Appendix 1. The first column is the school enrollment. This, and the percentage of English Learners enrolled in bilingual education, are the only pieces of information in Appendix 1 that are also found in Gold's report. The second column is the number of Hispanic students in a school, and the third column is the number of Hispanic students enrolled in the tested grades. Because the SAT 9 is administered only to grades 2-11, it is necessary to determine enrollment in the tested grades in order to adjust for non-testing.

The fourth column is the number of English Learners enrolled in the tested grades, the fifth column is the number of English Learners tested,

[6]Norm Gold is the retired, former Manager of the Language Proficiency and Academic Accountability (LPAA) Unit in the California Department of Education.

[7]The report can be obtained from http://www.californiatomorrow.org/files/pdfs/API_REPORT_FINAL_12-5.PDF.

the sixth column is the total bilingual education enrollment, and the seventh column is the estimated[8] bilingual education enrollment in the tested grades.

The eighth column shows the percentage of students in the school enrolled in bilingual education. This important piece of information is missing from Gold's report, but it is crucial to understanding how achievement growth for the school might be influenced by bilingual education enrollment. The answer, shown in column seven, is that it could not possibly have much influence on school achievement since only about a third of the students are enrolled in bilingual education in these so-called successful "bilingual" schools. Indeed, if we look down the column at individual schools, we can see that many schools have less than a quarter of their students enrolled in bilingual education and one school has none enrolled in bilingual education.

Column nine shows the maximum possible percentage of Hispanic students enrolled in bilingual education, assuming that the only students enrolled in bilingual education are Hispanic. This crucial piece of information is also missing from Gold's study. Even if we assume that all the students enrolled in bilingual education are Hispanic, the maximum possible percentage of Hispanic students who could be enrolled in bilingual education is less than half in these so-called successful "bilingual" schools.

Gold does note in his report that the percentage of English Learners enrolled in bilingual education is 62 percent. On the one hand, this is irrelevant since he does not examine English Learner achievement growth; on the other hand, it does tell us that he was not completely unaware of how few students are enrolled in bilingual education in these schools. Sixty-two percent is low and it is only simple logic that student rates and Hispanic rates of enrollent in bilingual education will be even lower.

In fact, however, although the percentage of English Learners enrolled in bilingual education in his schools is low by his own count, it is even lower than he thinks it is. The discrepancy between Gold's calculation of the percentage of English Learners enrolled in bilingual education (column 10) and my calculation (column 11) stems from the fact that there are two sources for bilingual education enrollment in the CDE database. In column 11, I use the data from Category 03 in row 02 of the CDE Language Census, which is the category that has been used by the state for decades. The Census instructions state:

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[8]Another flaw of the CDE database is that bilingual education enrollment, which comes from a different web page than the test scores, is not kept by grade. Since only grades 2-11 are tested, the bilingual education enrollment for those grades has to be estimated in order to calculate the percentage who might not be tested. The bilingual education enrollment for the tested grades is calculated by multiplying the total bilingual education enrollment by the proportion the tested grade LEP enrollment is to the total LEP enrollment.

(03) ELD and Academic Subjects Through the Primary Language (L1): These are EL students receiving ELD and, at a minimum, two academic subjects through the primary language (L1).

Gold is apparently[9] using category 01 in row 01 of the CDE Language Census. The Census instructions state:

> **(01)** *Alternative Course of Study:* Classes where EL students are taught English and other subjects through bilingual education techniques ***or other generally recognized methodologies permitted by law*** [emphasis added] and where the pupils enrolled have been (1) granted a parental exception waiver pursuant to EC 310 and 311; or (2) enrolled in any Alternative Education Program operated under the Superintendent of Public Instruction's waiver authority (EC 58509) when such an alternative for EL students was established specifically to waive one or more sections of EC 300 through 340; or (3) enrolled in a ***Charter School program which offers any alternative course of study*** [emphasis added] for EL students.

The problem with the above category is that it includes instructional techniques other than bilingual education, such as an alternative course of study in a charter school. Most of the time the numbers in the two categories are similar, and often they are identical, but for a small percentage of the schools they are very different. It seems to me that a category that includes only bilingual education is a more appropriate category than one that includes any alternative course of study. Moreover, the category that includes only bilingual education is the one that has been used by CDE for decades and so enables us to compare pre and post Proposition 227 trends.

If we look down the list of schools in Appendix 1, we can see that about a dozen of the so-called successful bilingual schools had about one-third or less of their English Learners enrolled in bilingual education using my calculations and about nine had one-third or less enrolled in bilingual education using Gold's calculations. None of the schools in either column had all of their English Learners enrolled in bilingual education, and across all schools only 55 percent of English Learners were enrolled in bilingual education.

In short, Gold overestimates the percentage of English Learners enrolled in bilingual education because he uses the less appropriate CDE category, but even his estimate—62 percent—is low. The situation gets worse when we examine the groups whose achievement Gold actually did attribute to bilingual education. As shown in Figure 5, across all of Gold's schools, only 33 percent of all students, and 44 percent of all Hispanic students, are enrolled in bilingual education in these so-called "bilingual" schools.

Moreover, not all the students were tested, although this varies considerably from school to school. If we go down the list of schools in column 12

[9]He does not say which category he is using nor does he present the number enrolled in bilingual education (only the percentage is presented).

of Appendix 1, we can see that in a number of them one-fourth to one-third of the bilingual education students might not have been tested.[10] In one school, Gates Elementary in the Saddleback District, there is no English Learner achievement data at all and in another school, Del Rey Woods in the Monterey Peninsula School District, there is no bilingual education enrollment.[11]

When we examine individual schools, we can also see evidence that the testing rates are inflated. Eight schools have more LEP students tested than enrolled in those grades and two have so many more LEP students tested than enrolled that the data lack credulity. Without adjusting for the inflated testing rates, across all schools in Gold's sample, an estimated 15 percent of the bilingual education enrollment might not have been tested.

The final column in Appendix 1 shows the estimated percentage of Hispanic students enrolled in bilingual education who also have test scores, adjusting only for the LEP non-testing rate.[12] As shown in Figure 6, the percentage of all students enrolled in bilingual education who also have test scores is estimated to be 30 percent and the percentage of Hispanic students enrolled in bilingual education who also have test scores is estimated to be 37 percent. These are probably conservative estimates. The actual percentage with test scores would be lower than that shown if we had Spring, not Fall, enrollment and if I had adjusted for the non-LEP students who were not tested.

In short, Gold was willing to attribute the school's achievement growth and Hispanic achievement growth to a bilingual program that enrolled only one-third of the students and less than half of the Hispanic students, and where it is possible that even fewer actually had test scores.

Conclusions

Gold is not alone in his willingness to rush to judgement without taking into account the limitations of the CDE data and the problem of differential testing rates between programs and over time. Most of the conclusions

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[10]This is estimated by first calculating the number of EL students who were not tested, then assuming that all of the non-tested English Learners are enrolled in bilingual education in the tested grades. This estimate may seem to be too high, but it is offset by the fact that the testing rate is inflated to begin with and we know that it is possible for the individual testing rate in bilingual education to be almost half that of English instruction programs, even when the test is required.

[11]Although the CDE database shows 178 English Learners enrolled in an alternative course of study (row 1 of the Language Census) at Del Rey Woods, the row 2 variable shows they are being taught in English with some primary language support, not in bilingual education.

[12]This is calculated by assuming that all the bilingual education students in the tested grades are Hispanic, subtracting the number of English Learners not tested from that number, and then dividing by the number of Hispanic students in the tested grades.

drawn in the popular press from simple descriptive analyses of the achievement gains of schools, and school districts, are invalid, even when LEP achievement is the outcome variable.

The limitations of the CDE database, typically ignored, are 1) the achievement data are only available at the school and school district level; 2) the test scores are not broken down by program or ethnicity, so it is not possible to compare the test scores of English Learners in bilingual education to those in all-English instruction in the same school; 3) the tests are taken in grades 2-11, but the CDE does not keep program enrollment by grade;[13] 4) the testing rates are inflated by the use of enrollment counts from an earlier point in time than the test scores; 5) testing rates vary considerably from school to school and district to district, and entities with different testing rates cannot be compared to each other unless their testing rates are controlled for; 6) the testing rates are higher for all-English programs than for bilingual education programs, but it is not possible to adjust precisely for this with the CDE aggregate data; 7) testing rates have gone up since Proposition 227, which would obscure achievement gains that might be detectable at the aggregate level; and 8) there are two separate sets of program categories in the state database with different enrollment counts, and one cannot be sure which category a researcher is using.[14]

Gold (2000), like others, has only muddied the waters by ignoring these limitations. It is unwarranted to conclude that bilingual education has had a salutary effect on school and Hispanic achievement when only one-third of the students and less than half of the Hispanic students were enrolled in it and where it is possible that only 30 percent of all students and a little more than a third of the Hispanic students were both enrolled in bilingual education and had test scores. Although the CDE database is an extraordinary resource for researchers, and the entire web site is nothing less than dazzling, the data themselves have serious limitations and one must be cautious in drawing conclusions from them.

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[13]So if, for example, one wanted to compare the achievement of a school with all of its English Learners enrolled in bilingual education to that of another school with all of its English Learners in all-English instruction, one would still have to estimate the enrollment in these programs for the tested grades in order to control for testing rates.

[14]Although one set has been used for decades and the other set began with the implementation of Proposition 277, it is possible that a researcher might use one set for the pre-1998 trend and another for the post-1998 trend. This, of course, would be a mistake, but it would not be surprising to find it has been done. The researchers who are analyzing only post-1998 outcomes, such as Gold, typically use one category rather than another without identifying which one they are using.

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Figure 1
Percentage of English Learners Tested in California Schools, 1997-98 through 1999-2000

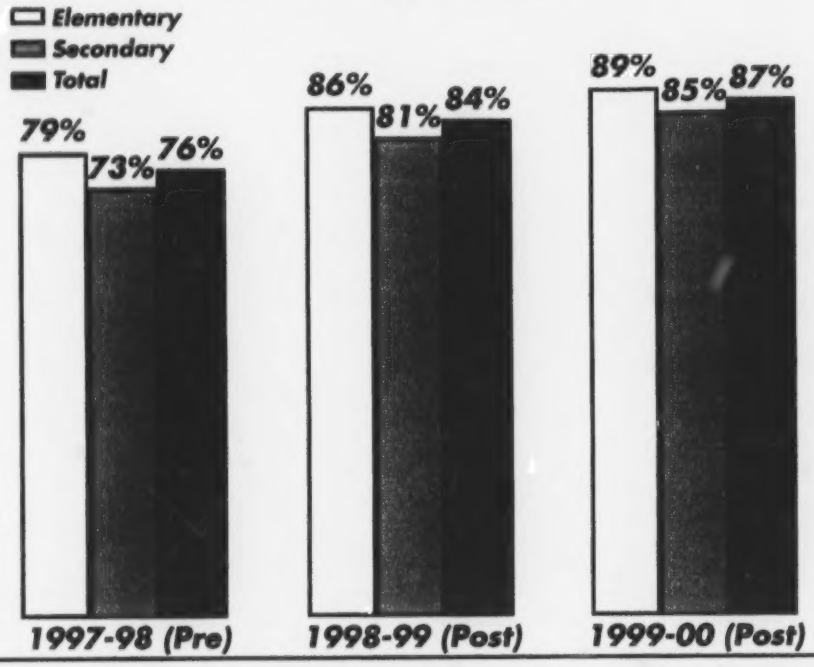
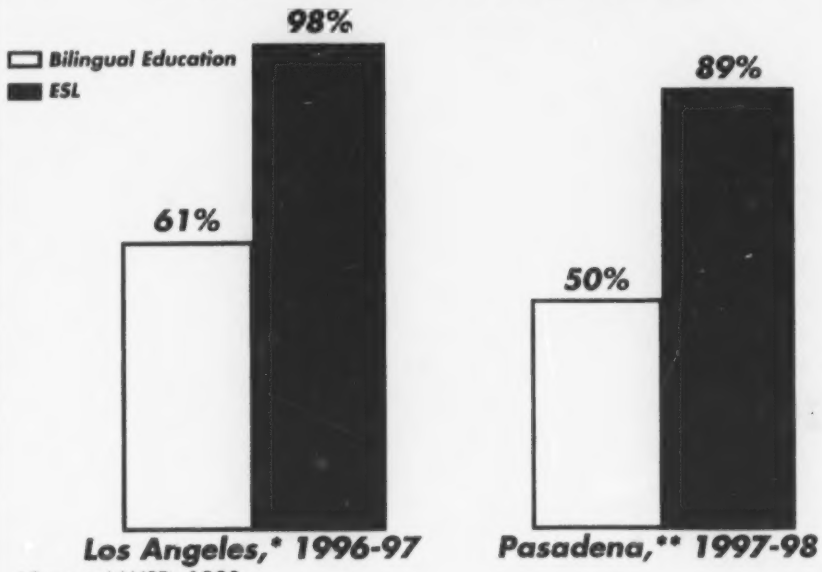


Figure 2
Percentage of English Learners Tested by Program Using Individual Student Date from Los Angles Unified School District and Pasadena Unified School District



*Source: LAUSD, 1998.
**Source: Bali, 2000.

Figure 3
Percentage of Elementary English Learners Taking SAT 9 in California Schools by Extent of Enrollment in Bilingual Education, 1997-98 through 1999-2000

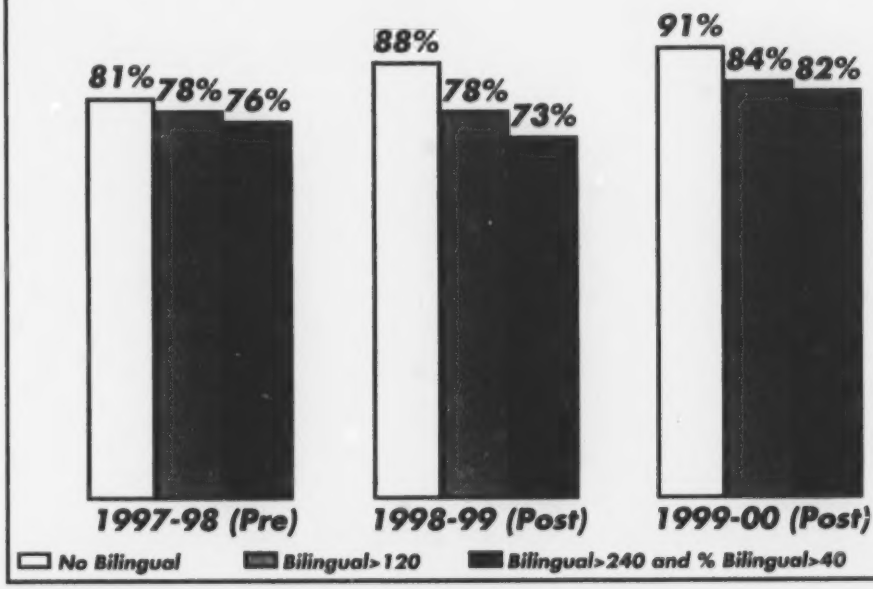


Figure 4
Reduction in the Percentage of English Learners Who Are Tested with Each Additional English Learner Enrolled in Bilingual Education Controlling for Other Variables in California Elementary Schools, 1997-98 through 1999-2000

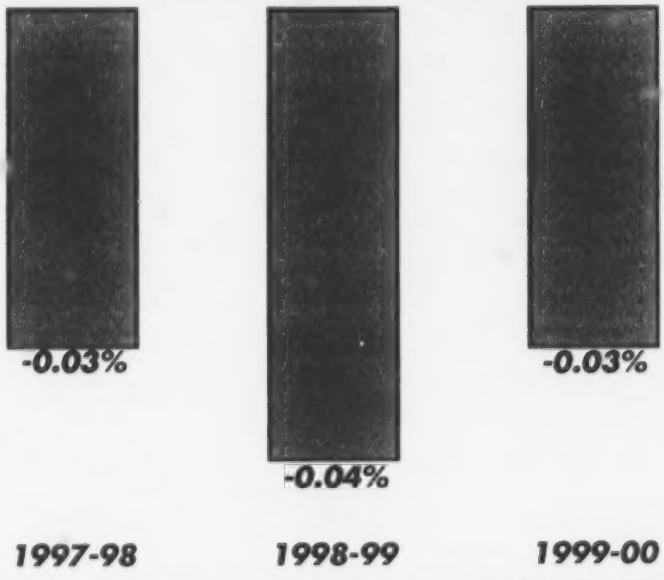
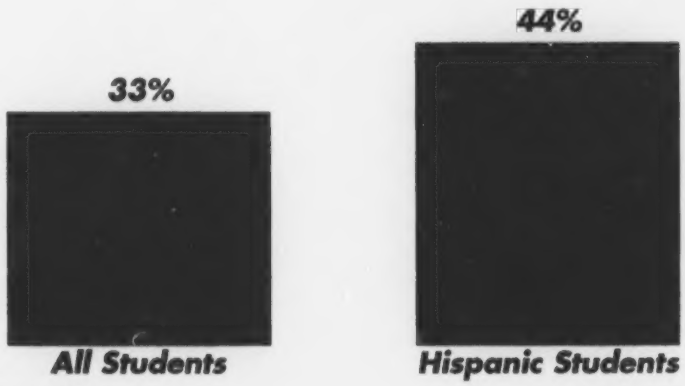
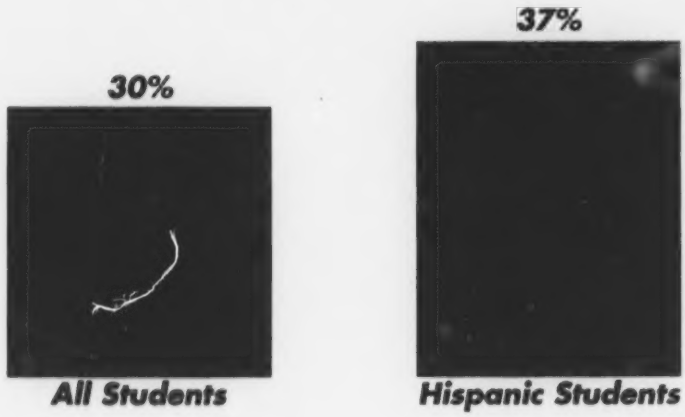


Figure 5
Bilingual Education Enrollment in Gold's Successful Bilingual Program Schools, 1999-00



*Maximum possible.

Figure 6
Possible Percentage Enrolled in Bilingual Education Who Also Have Test Scores in Gold's Successful Bilingual Program Schools, 1999-00



Appendix 1

Enrollment in Bilingual Education and Testing Rates in Gold's Successful Bilingual Program Schools,[a] 1999-00

District	Elem. School	Enrollment[b]	Number of Hispanic Students	Number of Hispanic Students in Tested Grades	Number of English Learners Enrolled in Tested Grades[c]	Number of English Learners Tested	Bilingual Educ. Enroll.	Est. Bilingual Educ. Enroll. in Tested Grades	% of Students Enrolled in Bilingual Educ.	Max. Possible % of Hispanic Students Enrolled in Bilingual Educ.	Gold % of English Learners Enrolled in Bilingual Educ.[d]	Rossell % of English Learners Enrolled in Bilingual Educ.	Possible % of Bilingual Ed. Students Not Tested	Possible % of Hispanic Students Enrolled in Bil. Ed. with Test Scores
		1	*2*	*3*	*4*	*5*	*6*	*7*	*8*	*9*	*10*	*11*	*12*	*13*
ABC	Niemes	634	367	244	194	192	153	102	24%	42%	53%	53%	2%	41%
Greenfield	Greenfield	537	525	525	433	355	219	219	41%	42%	66%	51%	36%	27%
	Oak Ave.	697	638	430	395	362	476	310	68%	75%	79%	79%	11%	64%
Hayward	Cherryland	793	407	276	188	199	140	95	18%	34%	51%	51%	-12%	38%
	Longwood	754	422	283	230	222	218	140	29%	52%	61%	61%	6%	47%
	Park	670	377	241	154	132	157	91	23%	42%	59%	59%	24%	29%
	Ruus	836	369	275	272	270	177	122	21%	48%	45%	45%	2%	44%
	Shepherd	540	320	157	139	135	190	86	35%	59%	62%	62%	5%	52%
Hueneme	Hathaway	730	542	374	278	233	204	144	28%	38%	64%	52%	31%	27%
	Larsen	755	709	495	399	331	479	329	63%	68%	88%	82%	21%	53%
	Williams	756	394	245	208	176	163	106	22%	41%	59%	51%	30%	30%
Long Beach	Henry	790	438	327	269	265	242	182	31%	55%	66%	68%	2%	54%
	Robinson	999	480	376	261	277	334	243	33%	70%	93%	93%	-7%	69%
	Webster	741	285	161	242	231	173	115	23%	61%	47%	47%	10%	64%
Los Angeles	Cahuenga	1297	858	509	612	541	340	200	26%	40%	56%	33%	35%	25%
	Esperanza	978	958	599	531	460	386	238	39%	40%	62%	45%	30%	28%
	Gridley St.	1067	1000	641	443	420	224	146	21%	22%	34%	33%	16%	19%
	Hubbard St.	922	813	558	373	368	105	72	11%	13%	20%	19%	7%	12%
	Independence	1030	1020	666	451	386	248	156	24%	24%	36%	35%	42%	14%
	92nd St.	998	834	546	483	434	297	197	30%	36%	44%	41%	25%	27%

Sharp Ave.	1127	1100	748	578	540	282	196	25%	26%	57%	34%	19%	21%	
Montebello	Bell Gardens	1362	1330	808	666	644	842	501	62%	63%	80%	75%	4%	59%
	Gascon	1166	1165	679	497	488	526	306	45%	45%	66%	62%	3%	44%
	La Merced	721	614	382	144	110	161	93	22%	26%	64%	64%	37%	15%
Monterey Penin.	Del Rey Woods El.	523	329	204	186	168	0	0	0%	0%	57%	0%	e	-9%
	Highland	459	257	151	146	142	174	98	38%	68%	67%	67%	4%	62%
	Ord Terrace	565	251	143	143	138	123	69	22%	49%	48%	48%	7%	45%
N. Monterey Co.	Castroville	509	406	265	177	173	175	116	34%	43%	65%	65%	3%	42%
	Elkhorn	544	296	183	96	95	98	62	18%	33%	65%	65%	2%	33%
	Prunedale	624	316	208	140	127	128	83	21%	41%	74%	59%	16%	34%
Norwalk-La Mirada	Dolland	901	296	63	178	235	129	79	14%	44%	78%	45%	-72%	217%
	Edmondson	511	484	323	103	151	155	80	30%	32%	45%	78%	-60%	40%
Pajaro Valley	Amesti	606	530	371	259	259	231	164	38%	44%	63%	63%	0%	44%
	Freedom	809	756	492	377	388	414	274	51%	55%	73%	73%	-4%	58%
	Hall District	705	661	423	319	314	255	159	36%	39%	50%	50%	3%	36%
	Salsipuedes	496	415	259	200	202	102	66	21%	25%	33%	33%	-3%	26%
	Starlight	753	673	448	335	310	391	267	52%	58%	80%	80%	9%	54%
Paso Robles	Brown	500	312	200	164	154	231	145	46%	74%	89%	89%	7%	68%
Reef-Sunset	Avenal	1028	957	610	415	397	473	293	46%	49%	71%	71%	6%	45%
	Kettleman City	305	303	236	190	168	103	87	34%	34%	44%	46%	25%	28%
Scramento City	Fruit Ridge	724	298	201	223	184	197	128	27%	66%	63%	57%	30%	44%
	Kemble	779	321	220	338	323	181	126	23%	56%	37%	37%	12%	51%
	Washington	329	207	116	84	80	100	54	30%	48%	64%	64%	7%	43%
Saddleback	Gates	769	492	322	192	0	119	76	15%	24%	42%	40%	100%	-36%
San Diego	Central	1187	855	474	454	377	299	165	25%	35%	56%	36%	47%	19%
	Franklin	583	291	180	163	150	163	92	28%	56%	57%	57%	14%	44%
	Rosa Parks	1533	1148	758	678	597	469	308	31%	41%	45%	45%	26%	30%
	Spreckels	697	149	37	176	172	242	170	35%	100%	97%	97%	2%	450%
San Jose	River Glen	511	351	269	102	78	138	98	27%	39%	97%	97%	24%	28%
	Washington	683	636	403	306	322	395	230	58%	62%	91%	75%	-7%	61%

District	Elem. School	Enrollment[a]	Number of Hispanic Students	Number of Hispanic Students in Tested Grades	Number of English Learners Enrolled in Tested Grades[c]	Number of English Learners Tested	Bilingual Educ. Enroll.	Est. Bilingual Educ. Enroll. in Tested Grades	% of Students Enrolled in Bilingual Educ.	Max. Possible % of Hispanic Students Enrolled in Bilingual Educ.	Gold % of English Learners Enrolled in Bilingual Educ.[b]	Rossell % of English Learners Enrolled in Bilingual Educ.	Possible % of Bilingual Ed. Students Not Tested	Possible % of Hispanic Students Enrolled in Bil. Ed. with Test Scores
		1	2	3	4	5	6	7	8	9	10	11	12	13
Santa Ana	Davis	780	767	461	403	402	609	356	78%	79%	88%	88%	0%	77%
	Lowell	1056	1044	633	548	527	559	331	53%	54%	60%	60%	6%	49%
	King	1056	1028	647	502	520	321	193	30%	31%	38%	38%	-9%	33%
	Pio Pico	948	938	613	544	524	628	399	66%	67%	73%	73%	5%	62%
	Washington	1327	1288	807	622	600	443	289	33%	34%	46%	47%	8%	33%
	Heninger	1088	1068	655	554	546	342	199	31%	32%	36%	36%	4%	29%
South Bay	Berry	744	499	374	235	99	218	160	29%	44%	69%	68%	85%	6%
Tahoe-Truckee	Kings Beach	506	327	169	159	149	122	70	24%	37%	44%	44%	14%	36%
Tracy Jt. Union	South	688	390	390	271	245	244	244	35%	63%	90%	90%	11%	56%
Ventura	Juanamaria	526	238	163	71	55	59	41	11%	25%	72%	58%	39%	16%
	Montalvo	435	263	175	65	69	40	23	9%	15%	47%	35%	-17%	15%
	Will Rogers	490	310	215	120	108	78	52	16%	25%	80%	43%	23%	19%
Woodland	Beamer	532	374	285	177	175	122	87	23%	33%	87%	49%	2%	30%
TOTALS[d]		**48,709**	**36,489**	**23,691**	**18,855**	**17,494**	**16,006**	**10,283**	**33%**	**44%**	**62%**	**55%**	**15%**	**37%**

a Norm Gold, "Bilingual Schools Make Exceptional Gains on the State's Academic Performance Index (API)," report for Californians Together, December 5, 2000.

b Data also found in Gold (2000).

c Testing is in grades 2-11.

d The column with Norm Gold's percentages is an average, not a total. The average is calculated by summing the percentages for each school and dividing by the number of schools. The total percentage in the next column is calculated by dividing the number in bilingual education (16,006) by the number of English Learners (29,349) in all schools.

e No bilingual education enrollment.

Table 1
Predictors of the Percentage of English Learners Tested on the SAT9 in California Elementary Schools Enrolling English Learners in Tested Grades, 1997-98, 1998-99, 1999-00

1997-98					
Dependent Variable=	**Mean**	**b**	**Beta**	**t**	**Signif Level**
% of English Learners Tested	76				
Constant		64.943		53.59	0.000*
Number Enrolled in Bilingual Education	75	-0.033	-0.16	-5.41	0.000*
Number of EL who are Spanish Speakers	159	0.013	0.10	3.03	0.002*
Total School Enrollment	617	0.021	0.19	10.22	0.000*
% of School on AFDC or Calworks	20	-0.079	-0.05	-3.01	0.003*
Adjusted r2		0.035			
N		4,840			

1998-99					
Dependent Variable=	**Mean**	**b**	**Beta**	**t**	**Signif Level**
% of English Learners Tested	82				
Constant		70.100		68.79	0.000*
Number Enrolled in Bilingual Education	30	-0.038	-0.13	-8.08	0.000*
Number of EL who are Spanish Speakers	162	0.002	0.02	0.87	0.384
Total School Enrollment	615	0.020	0.21	11.29	0.000*
% of School on AFDC or Calworks	17	-0.019	0.01	0.81	0.420
Adjusted r2		0.051			
N		4,905			

1999-00					
Dependent Variable=	**Mean**	**b**	**Beta**	**t**	**Signif Level**
% of English Learners Tested	86				
Constant		78.628		86.77	0.000*
Number Enrolled in Bilingual Education	31	-0.030	-0.12	-7.39	0.000*
Number of EL who are Spanish Speakers	168	0.006	0.06	2.66	0.008*
Total School Enrollment	621	0.010	0.12	6.46	0.000*
% of School on AFDC or Calworks	17	-0.061	0.04	2.92	0.004*
Adjusted r2		0.031			
N		4,862			

* Statistically significant at .05 or better.

Seven Successful Bilingual Schools In Texas

John R. Correiro

The report titled *The Texas Successful Schools Study: Quality Education for Limited English Proficient Students* is an important contribution to the continuing debate over the efficacy of bilingual education in the United States.

As the nation surges forward on school improvement, high stakes testing, and a "no child left behind agenda," supporters of bilingual education have expressed alarm that Limited English Proficient (LEP) students may be allowed to fall through the cracks.

This report is refreshing to say the least, as it takes a measured, dispassionate, and scholarly look at a topic that arouses great passion among its opponents as well as supporters and, indeed, it was a collaborative effort of the Texas Education Agency (TEA), the Charles A. Dana Center at the University of Texas in Austin, Texas, the Texas A&M University–Corpus Christi, and the seven elementary school campuses comprising the study cohort (p. 3). The seven were: Pharr-San Juan-Alamo ISD ("Independent School District"); Campestre Elementary, Socorro ISD; Castaneda Elementary, Brownsville ISD; Kelly Elementary, Hidalgo ISD; La Encantada Elementary, San Benito ISD; and Scott Elementary, Roma ISD.

The principal investigator of the study was the Program Evaluation Unit in the Office for the Education of Special Populations at the TEA. The study was thorough—conducted over a 24-month period beginning in March of 1998 and ending in March of 2000.

Specific research questions focused on demographics, and on effective practices and characteristics of the seven study sites and the educational personnel assigned to the LEP populations.

Multiple methodologies were employed in profiling the study sites. These included: teacher questionnaires; interviews of teachers, campus principals, district administrators, and parents; on-site campus and classroom visits; and analyses of the Texas Assessment of Academic Skills

(TAAS) and Professional Development and Appraisal System (PDAS).

The report is extensive. It is divided into seven sections: 1) The Executive Summary, 2) Introduction and Background, 3) Need for the Study, 4) Findings, 5) Student and Campus Performance, 6) Appendices, and 7) References for Further Reading.

This study is also important because it examines the variables that contribute to academic success of economically disadvantaged and language minority students and because historically school districts, owing to financial concerns, relied on national research studies to learn about best practices. Here we have a state department of education, state universities, and local school districts collaborating on a major research effort to demonstrate the results of the implementation of high standards and expectations.

Furthermore, the study does not try to answer whether the program works or is effective, but rather, focuses on challenges of providing appropriate schooling for a growingly diverse population and profiles the contributions of programs, policies, and school personnel to the academic success of the LEP student population.

The study finds its roots in the *Successful Schools Study* of the Charles A. Dana Center at the University of Texas at Austin and the TEA, which was released in February of 1998. That study focused on Title I high achieving schools with high poverty rates where at least 60 percent of the students qualified for free or reduced price lunches. There were 26 schools in that study and the emphasis was on identifying good practices that enable high-poverty schools to create an environment in which the majority of students achieve high levels of attainment on the TAAS (p. 10).

The seven schools of this study were drawn from the original 26 and met an additional set of criteria requiring that:

- Schools enrolled more than 40 percent LEP students during the 1996-97 school year
- Schools enrolled more than 50 percent economically disadvantaged students during the 1996-97 school year
- Schools had zero TAAS exemptions during the 1996-97 school year
- Schools met the criteria for a rating of either "Recognized" or "Exemplar" in the Texas school accountability system based on the Academic Excellence Indicator System (AEIS) of May 1997 that included English TAAS scores in reading, writing, mathematics, and attendance rates

What we see in this study, then, is a focus on the academic success of LEP students in seven elementary schools that met a rigorous review for inclusion.

Section III, *The Need For the Study*, chronicles the growing number of LEP students across the state of Texas—a phenomenon that urban areas and school districts face from coast to coast.

In a four-year period—1993-94 to 1997-98—the total state enrollment in Texas Public Schools grew by a total of 290,038 students, from 3,601,834 to 3,891,877. According to Table 16, in Appendix B to the report (prepared by the TEA Public Information Management System), of the 290,038 new students, 257,706 were comprised of ethnic minorities as follows:

- Hispanics—195,564 or 67 percent
- African-American—44,999 or 16 percent
- Asian/Native-American—17,143 or 6 percent

The challenges posed by this dramatic increase were both obvious and daunting, especially when one considers that this growth in the LEP population represented a 44 percent increase for the six-year period between 1991-92 and 1997-98 (p.15).

These challenges then, not unlike those faced by urban school districts across the nation, included teacher shortages and the need for specific programs to address the education of differing linguistic groups. Further compounding the Texas picture in 1997-98 was the fact that 77 percent of the LEP population was enrolled in elementary grades, exacerbating the demand for specialized teachers with required bilingual certification to meet the needs of this population (p. 16).

In comparing the growth of teachers during the same period of student enrollment growth, at first glance (Tables 19 and 20, Appendix B) it appears that new hires were adequate to meet student needs. A closer look, particularly at the students' programs and grade spans, reveals a fuzzy picture. Of the new teachers assigned to non-bilingual grades 1-6, 95 percent were certified for their positions, while of the new teachers assigned to bilingual grades 1-6, only 59 percent were certified for their positions.

The need for this study became apparent as the TEA sought to provide focused leadership to assist school administrators and policy-makers in their efforts to meet the new challenges. Thus, the TEA saw this study as one in a needed series of studies aimed at providing guidance to school boards, administrators, principals, and teacher training institutions to initiate new programs as well as to expand current ones.

While the findings of this study are impressive indeed, the authors point out that it is one in a series of studies that is needed to provide administrators and teachers with the necessary guidance and information to provide for the educational needs of language minority students.

Findings were detailed in three specific areas: Findings Related to Effective School Correlates, Findings Related to Other Literature, and *Findings Related*

to Research Questions.

In responding to one of the research questions, "What is the relationship between campus practices and theory?," the research team reviewed the literature on the education of language minority students, and the first set of findings reflects the results of the review in relationship to the study findings. Literature on effective schools research was prominent, especially the "Seven Effective School Correlates" (p. 19).

The importance of the Seven Effective Schools Correlates for this study is that they have been used in school improvement and equitable education for all children (Effective Schools Correlates, 1998) and appeared prominently in the analysis of the bilingual programs in the seven successful schools.

The Effective Schools Correlates are:

1) Clear School Mission

2) High Expectations for Success

3) Instructional Leadership

4) Frequent Monitoring of Student Program

5) Opportunity to Learn and Student Time on Task

6) Safe and Orderly Environment and

7) Home-School Relations.

Not surprisingly, the seven successful schools evidenced most of the correlates, although researchers observed different dynamics and added dimensions related to bilingual students. These dynamics helped to transform the schools from effective to "Exemplary" according to the TEA Academic Excellence Indicator System (p. 19). (Detailed information on how the correlates were addressed in the seven successful schools, can be found in the individual case studies beginning on page 36 of the report.)

In all of the seven successful schools, there was a clearly articulated mission, indicating that for bilingual students there were clear instructional goals linked to academic achievement. There were assessment and accountability procedures linked to benchmarks. Immediate, consistent, and multiple remediation strategies were available to students not making the benchmarks, and these were provided before, during, and after school. The school community was aware of the mission statements, thereby enabling the stakeholders to demonstrate total commitment to fulfilling the mission of the school (p. 19).

Again, in all seven of the successful schools, staff expected students to perform at a high academic level. Stakeholders shared that view ands believed that they could empower students to succeed (p. 20).

In one school, where primary grade teachers finished their day a half-

hour earlier than the upper grade classes, these teachers stayed on to provide tutoring and additional help to the upper grade bilingual students. Further, teachers in this school shared materials and strategies and planned vertically and horizontally across grade levels as well. Both English and the students' native language were used to affirm student success and to provide encouragement. Students flourished in this environment, exhibiting a belief in their own capacities to succeed.

The principal as an instructional leader is another of the effective schools correlates that was evidenced in the study of the seven successful schools. It is important to note that the principals were all experienced, certified bilingual teachers before becoming principals and all had prior grounding in the principles of bilingual education both from an educational and an experiential base. They were able then to provide support and guidance to their teachers in effective bilingual practices.

Principals in the seven successful schools were able to communicate effectively to the faculty, students, and parents and to all stakeholders, contributing significantly to the cohesiveness of the school community.

Effective schools monitor student progress frequently. This was mirrored in the seven successful schools, and student progress was measured in both English and the native language. Monitoring of students' progress in their native language was important in these schools since development in the native language was considered essential to success in English.

Time on task is another characteristic of the effective schools correlates, and it was clear to the researchers that the teachers at the seven successful schools structured time appropriately for dual language instruction. Multiple strategies were employed—taking into account different learning styles—such as small and large group instruction, cooperative learning, and instructional technology use. The seven successful schools were characterized by a high degree of time on task. TAAS strategies were emphasized and again both English and the native language were mediums of instruction, depending upon the LEP students' placement (p. 21).

The seven successful schools were demonstrative of a "family atmosphere" which contributed greatly to making these schools "effective" (p. 21). The community/school relationship is key to "ownership" of the schools where the stakeholders see the schools as "ours." Parents felt strongly about and articulated that an "open door" policy permeated the schools. Students were happy; parents utilized the schools for a variety of activities, including recreation; vandalism was down; gang activity was reduced and students, consequently, felt safe at the schools.

Home and school relations depend upon the parents understanding the mission of the school and on their subsequent involvement in the school community. The seven successful schools had exceptional parental support and it was evident to the researchers that parents took great pride in their

schools, so much so that the limited use of English by parents was not seen as a barrier to their participation. Researchers suggested that the value in which the community culture was held by administrators and staff gave rise to the strong response of parents.

What is truly impressive about these findings is that the use of the students' native language is important in these schools. The native language is utilized as an effective and necessary teaching tool to assist in the transfer of knowledge to English. It is measured, supported, and valued. Administrators, teachers, students, and parents are not afraid to use the native language. In fact it becomes the bridge across which knowledge is transferred into English. Native language use is accomplished within the framework of the schools' clearly articulated educational mission. In these schools, the native language of the community is valued and celebrated.

The literature review also identified another school correlate—collaborative leadership. Collaborative leadership is not a new concept. Researchers at the Northeast and Islands Regional Educational Lab at Brown University point out that several approaches have been promoted in the educational literature over the last decade (Proposal, p. 144). The Lab researchers point out that the Council of Chief State School Officers (CCSSO) is calling for the development of collaborative leadership models (CCSSO, 2000a). As CCSSO notes, "Student, teacher, parent and school board leaders, along with leaders of voluntary associations, community groups, and faith institutions, have important responsibilities to work together with executive leaders to create and sustain effective schools" (CCSSO, 2000a, 7).

In his paper prepared for the Albert Shanker Institute, *Building a New Structure for School Leadership* (2000), Richard Elmore of Harvard University calls for leadership based upon distributed leadership models. He lists five principles as a framework:

1) The purpose of leadership is the improvement of practice and performance, regardless of role.

2) Instructional improvement requires continuous learning. Learning is both an individual and social activity, and collective learning involves the creation of a strong normative environment to guide and direct the acquisition of new knowledge.

3) Learning also requires modeling. Leaders must lead by modeling the value of behaviors that represent collective goods.

4) The roles and activities of leadership flow from the expertise required for learning and improvement, not from formal dictates of the institution.

5) The exercise of authority requires reciprocity of accountability and capacity.

(Elmore, 2000, p. 20–21)

In the seven successful schools, one could identify various aspects of the Elmore construct at work. Further, in these schools, collaboration was synonymous with empowerment. Administrators and teachers were entwined in the decision-making around curriculum, principals provided needed materials and resources enabling teachers to accomplish their goals, communication flowed up and down the professional hierarchy and across the home/school community effectively, and principals provided teachers with adequate planning time and teachers used the planning time effectively, giving constant feedback on students to principals, parents, students, and each other.

Besides the Effective Schools literature, the review also focused on the important characteristics of school reform. These included:

1) Distributive Leadership

2) Campus Leadership

3) Teaching Staff

4) Teaching Practices

5) Parents' Role and

6) Program Characteristics.

Here the findings of the study show that district leadership is important to the success of LEP students. In the seven study sites, district support for administrators and teachers "includes regular professional development" (p. 22).

In the Socorro ISD, additional staff members worked with teachers of LEP students in school settings (p. 22); and in Pharr-San Juan-Alamo ISD, summer institutes provided staff development for LEP teachers. In both districts the bilingual coordinator was responsible for the programs.

What is more, appropriate funding at all seven sites was assured as a consequence of district leadership. In looking at campus leadership, the study reports, "Each of the seven principals of the successful schools has a Master's degree and extensive training in and certification in bilingual education and ESL...[and] had also taught LEP students for no less than five years, thus having knowledge of bilingual education philosophy and theory" (p. 22).

The literature emphasizes the importance of certification standards to a successful bilingual program (p. 22). The study is emphatic in describing the role of all seven principals as "instructional leaders." Teachers in the seven schools described the principals as "collaborative," all had "high expectations," and all exhibited behaviors of "empowerment and trust" in relationship to the teachers (p. 23).

Principals were also advocates of professional development regarding dual language literacy development, acquisition of second language theory,

TAAS strategies, and curriculum integration (p. 23). The principals kept abreast of test scores and because of their content experience and expertise were able to look at LEP students' needs from a broad perspective and provide critical guidance and support to teachers. Principals were thoroughly immersed in school/community relations and parents were most appreciative, feeling welcome in the seven schools (p. 23). In essence, principals in the successful schools "walked the talk" of research literature on "instructional leadership."

Findings relative to the teaching staffs in the successful schools mirror what the research literature emphasizes:

- "All teachers assigned to the LEP populations...are bilingual or ESL certified" (p. 24). This is essential to long term success in the programs (Hakuta et al., 1997).
- "...[T]eachers are committed to achieving equity for all students and believe that they are capable of making a difference in their students' learning" (Saravia-Shore and Garcia, 1995). Most of the staff at the seven schools have been in their teaching positions for more than ten years and they attribute this longevity and stability as contributing to the success of the students (p. 24).
- Carter and Maestras (1982) defined a successful school climate as one that includes:

  1) High staff expectations for students of the program,

  2) Strong demands for academic performance, and

  3) High staff morale.

The study shows clearly that "teachers believe that all students can learn and have high expectations" (p. 24).

Findings in the area of teaching practices are rich with multiple and successful research-based strategies employed by the teachers at the successful schools. One of the most salient findings in the area of teaching practices was the use of Spanish and English for direct instruction in all classrooms. Hakuta in 1997 pointed out that "use of the home language is necessary for success with second language learners and does not impede progress in English."

The study tells us that Willig (1985) and Wong-Fillmore and Valadez (1986), the former using meta-analysis to combine academic achievement scores from a large set of statistically unrelated studies, and the latter conducting a more traditional review of related independent studies, reached the same conclusion: "that bilingual programs significantly enhanced academic achievement, in comparison to English instructional programs" (p. 25). Further, "teachers acknowledging equal prestige to both English and

Spanish language...is an essential characteristic of success (Carter and Maestras, 1982 and Hakuta et al., 1997).

Consequently, based upon the research, success could have been predicted at the seven schools, i.e.:

- At all seven schools the use of Spanish and English is evident in all classrooms (p. 24).
- State adopted materials, and other resources, were available in classrooms in both English and Spanish for use in instructional activities as needed.
- Students were affirmed by their teachers for their response in either language.

Teachers eschewed the use of ditto worksheets in favor of focused instruction in small groups, paired groups and cooperative groups or skills-focused groups suggested by the research findings of Garcia (1994), Kagan (1989), and Tinajero et al. (1993). All the aforementioned have noted the importance of cooperative learning practices for Latinos and language minority students of different backgrounds.

Garcia (1988) points out that an integrated curriculum, responsive to the linguistic ability of students and taught by trained bilingual/biliterate teachers, was common where students' high standardized achievement test scores were above national norms and where students' bilingualism was affirmed as a matter of pride. Five of the seven successful schools in particular—Castaneda, Scott, Campestre, Bowie, and Clover—through collaboration and planning developed integrated instructional units that have been very successful with LEP students. These units are constantly reviewed and updated and address the TAAS skills and provide test taking practice for the LEP students (p. 25).

Early childhood teachers at three of the sites—Castaneda, Bowie, and Clover—were trained in and implemented Montessori strategies—encouraging students to work independently. According to the study, Quintero in 1988 pointed out that pre-school programs that support child-centered independent learning centers lead to success in pre-school for Latino children.

The findings on teaching practices in the successful schools also refers to the research of Roser et al. (1989) and Tinajero et al. (1998) that suggests children will become successful in listening, speaking, reading, and writing when teachers surround children with literature and provide time to engage in the language arts. Again, the study demonstrates that literature-based integrated units are used in many of the classrooms of the successful schools.

Math and science centers were observed in many of the classrooms and the use of manipulative and hands-on activities are common practice in the

teaching of math and science, the success of which is supported by De La Cruz, 1998, who noted, "[T]o ensure that instruction is at a high level where every student can experience success, manipulatives can be used to demonstrate a concept so that new information can be processed."

Student progress is monitored closely and students receive considerable support: after-school tutoring, special computer-assisted instruction, focused literacy development, Reading Recovery, and re-teaching by classroom teachers. The research of Hakuta et al., 1997, states that "continual and regular monitoring assures success for students..." (p. 26).

The study indicates that parents have high expectations for their children as well as respect and high regard for teachers and principals (p. 26). At the successful schools, parents were engaged in all aspects of their children's learning from homework to volunteering in the school to participation in the schools' parent centers. Gonzalez' research in 1998 undergirds the report's findings on the role of parents: "The role of parents is critical in the education of the second language learner as the family adjusts to the cultural and linguistic demands of the community and school" (p. 21).

The study documents the explicit characteristics of the successful schools:

1) Administrators and teachers are focused on the development of programs that will meet the needs of the LEP students.

2) Regardless of the bilingual program model, administrators and teachers were committed to implementing the program based upon solid research and state guidelines to educate LEP students.

3) Teachers emphasized use of the home language as a medium of instruction and developing proficiency in each of two languages.

4) Literacy in the first language of minority language speakers is developed.

5) There is strong focus on the delivery of curriculum.

These characteristics stood out among the keys to success in the seven schools because of their foundation in solid research. Teachers focused on curriculum objectives, using planning time well, and principals provided adequate time for teachers to meet by scheduling students in non–core curricular subjects. Multiple instructional strategies were utilized—direct instruction to the large group, and teacher aid instruction provided to small groups, especially at primary grade levels. Professional development, including language acquisition training and attendance at conferences and workshops provided by the state, by area institutions of higher education, and by independent consultants, was an important ingredient to success. After-school tutoring that included enrichment activities and accelerated

reading programs were also important support systems available in the successful schools.

There were six research questions that the Successful Schools Study addressed in the area of demographics, effective practices, and characteristics of the seven sites. These research questions and their findings are as follows:

1) What are the district leadership practices that facilitate academic and linguistic growth/success for language minority students?

- Staff development focusing on language acquisition, bilingual methodologies, and TAAS objectives
- Workshops on teacher expectations and student achievement and Johnson and Johnson cooperative learning
- District practice of engaging bilingual experts to conduct professional development activities
- Adequate campus budgets for bilingual programs
- Acquisition of technology—hardware and software
- District bilingual administrators provided guidance and oversight for program implementation
- Teachers and administrators were guided by district policy documents that detailed the plan of implementation to educate LEP students
- Identification, assessment, and placement procedures for LEP students and the roles and responsibility of the Language Proficiency Assessment Committee (LPAC) were clearly spelled out.

2) What are the campus leadership practices that facilitate academic and linguistic growth/success for language minority students?

- Communication with parents of LEP students that conveyed and fostered a caring and positive attitude for bilingual students
- Principals held high expectations for all students and insisted on linguistic development of the LEP students
- The belief that extensive training and certification in bilingual education of the principals was a major factor in focusing on opportunities for and attention to the LEP students
- Principals empowered teachers to make instructional decisions, strengthening the notion of shared leadership

- Use of the home language (Spanish) to develop a mastery in the language before transitioning LEP students into all English classes
- Principals were true partners of the instructional team.

3) What are the characteristics of the teaching staff that facilitate academic and linguistic growth/success for language minority students?

- Total commitment and dedication by the bilingual teachers assigned to work with the LEP students
- All teachers of the LEP students were certified in bilingual education or ESL
- All teachers at the seven sites indicated extensive participation in professional development around bilingual education and second language acquisition through district, state, and conference offerings
- Ethnicity and background of teachers assigned to the LEP students provided appropriate role models and bilingually proficient teachers at every grade level
- Excellent teaching at each of the seven sites.

4) What are the effective teaching practices that facilitate academic and linguistic growth/success for language minority students?

- While no one specific model of bilingual education was implemented at all study sites, effective teaching was the result of instructional focus and curriculum adaptations that were aligned with the linguistic and academic levels of LEP students, using dual language as mediums of instruction
- Teachers allow and encourage LEP students, who were more proficient in Spanish, to respond to instructional cues in their home language
- In the late-exit model, the home language was used until there was evidence of literacy in both languages. Teachers determined literacy when students exhibited academic success in both languages
- Other successful strategies at the seven sites included early grades whole language strategies, literacy-rich classroom environments, phonics development, and music used to reinforce oral language development
- Stories in English on audio-tapes sent home for children and parents to practice contributing positively to the development of English language for both students and parents
- The teacher's ability to diagnose when the use of one or the other lan-

guage was most appropriate with students, regardless of grade level(s)

- Grouping for instructional purposes (English/Spanish) ensures that instructional focus is appropriate for the language level and the academic level, contributing greatly to linguistic and academic development of LEP students, since not all students are treated with the same instruction.

5) What are the characteristics of parents and parental involvement of the seven campuses?

- Parents supportive of teachers and programs for LEP students and encourage their children in school and at home
- Parents are positive models for their children by participating in school and parent center activities and by being visibly connected to the schools and their children
- Parents assist students by volunteering to read and serve as tutors and ethnic story tellers in the classroom
- Parents believe that teacher/parent communication—using a variety of means—was consistent whether the communication was positive or negative
- All communication with the parents was in English and Spanish, depending upon the language proficiency of the parents
- Instruction was provided to parents to help improve their English skills.

6) What are the characteristics of program(s) serving language minority students?

- Principals' and teachers' program knowledge regarding the education of language minority children
- Spanish and English were used as languages of instruction, ensuring language development of the weaker language and literacy development of the stronger or dominant language
- Principals, teachers, and parents afforded equal prestige to Spanish and English in the classroom, a practice that can be a factor instilling pride and encouragement for LEP students and parents to want to succeed
- Implementation of effective reading practices that support the goal of the "Texas Reading Initiative"
- Early data collection on LEP students allows for informed and appropriate decisions regarding students' instructional needs

- Coordination of and opportunity to participate in a host of special programs as enhancements to the regular program
- Students are afforded equal opportunities to quality education and an appropriate opportunity to equal benefits from programs and services offered
- Budgetary supports—from a variety of sources, i.e., district, state, and federal grants—result in program enhancements or value-added characteristics that impact positively on the language and academic needs of the LEP students.

There is a wealth of information in the Texas Successful Schools Study, enough to provide scholars and students of bilingual education with rich and informative reading. More than 50 pages are devoted to an analysis of student performance at each of the selected school sites and another 36 pages compare the data of LEP, former LEP, and never LEP students to an external campus group and to the TEA comparison campus groups as measured by the TAAS from 1994-95 in English and Spanish, as appropriate (p. 4).

Section V, Student and Campus Performance on pages 91-128, presents a performance analysis conducted for the campuses in the study and compares these schools to external cohorts. There are 15 tables and 15 graphs that provide data on percentage of students passing TAAS reading and math, as well as depicting similar data on the Texas Learning Index (TLI), and graphs that provide data on pre/post oral langage assessment categories for LEP students. Data are reported by grade level.

This section also outlines the caveats to be considered when interpreting the data and clearly underscores the complexity of the study, while offering considerable optimistic information on LEP student progress on the TAAS. The author of this review recommends that interested scholars and specialists in psychometrics will find the data on pages 91-128 as well as pages 167-182 of greatest use. The individual school reports are replete with school profiles, staff and budgetary information, instructional and implementation practices, and teacher questionnaire results. The 36 pages of comparative data and analysis are supported by extensive charts and graphs. (Complete tables, charts, etc. are available on request from the READ Institute offices in Sterling, Virginia.)

The summary of findings in the Student and Campus Performance section of the report offers the possibility for the development of further research and inquiry into what is a very promising picture for LEP students. What one can glean from this report is that success for LEP students in an era of high expectations, high standards, and high stakes testing is within their grasp, provided the political and financial will of the legislatures, state

departments of education, and local school districts are committed to assuring success for all students.

As this study shows, programs rooted in proven education research that calls for a clear school mission with high expectations, driven by instructional leadership that assures student progress is monitored frequently, with sufficient time on task for both students and teachers, in a safe and orderly environment, buttressed by effective home and school relations, is a recipe for success. But that recipe requires significant districtwide support in the way of funding to provide the consistent professional development related specifically to the schools' programs and the provision of adequate resources, equipment, and facilities.

The Texas Successful Schools Study is encouraging and provides the framework that can lead to the building of successful programs for LEP students everywhere.

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Meeting the Needs of Students with Limited English Proficiency

A Critique of GAO's Report

Jim Littlejohn

Introduction

In 1998 and 1999, Congress held oversight hearings on how to improve federal requirements attached to bilingual education monies to give greater flexibility to state and local education agencies in teaching Limited English Proficient (LEP) students. The hearings also examined oversight issues related to the Office for Civil Rights (OCR). Several witnesses introduced evidence that since the early 1990s OCR had imposed new, expanded requirements for schools enrolling LEP students. In the view of the critics, these sub-regulatory (i.e., unpublished) requirements were both arbitrary and prescriptive, affecting almost all aspects of school operations, including curriculum, teaching staff, and other programs.

In late 1999, after congressional committees had reviewed the data and testimony from the hearings, Congress asked the General Accounting Office (GAO) to conduct an investigation that would answer the following questions:

1. How long do children with limited English proficiency need to become proficient in English?
2. What approaches are used to teach children with limited English proficiency, and how long do students remain in language assistance programs?

3. What are the requirements for children with limited English proficiency that OCR expects school districts to meet, how are they set forth, and what has been the nature of the interactions between OCR and school districts in those instances in which OCR has entered into an agreement with the school district concerning language assistance programs?

The GAO report, submitted to Congress in February 2001, does a poor job of answering the questions posed by Congress and fails to provide the information that body needs to make long-term policy decisions about the federal role in supporting programs for LEP students.[1] Instead of providing a balanced analysis, the GAO report largely parrots back the views of bilingual advocates, and virtually ignores the views of experts who argue for more English Immersion programs. GAO's treatment of the educational issues is replete with footnotes, tables, and charts, but its one-sided approach, combined with the numerous errors and omissions of facts, results in an unreliable presentation.

As bad as GAO's analysis of the educational issues is, the section dealing with OCR is worse. In summary, the GAO "analysis" of OCR's activities in enforcing the civil rights laws related to LEP students is nothing more than a whitewash. The material below critiques key aspects of the GAO report with respect to the three broad categories of congressional interest.

Time in Program and Language Proficiency Issues

The authors of the GAO report characteristically cite at length the views of bilingual education advocates, giving these views substantial credibility, and then toss in a footnote indicating that there are researchers who disagree. In one of several examples of this practice, GAO reported:

- No clear consensus exists on the length of time children with limited English proficiency need to become proficient in English.
- [N]o agreement exists about how proficiency should be defined or measured.

But apparently appealing to a higher authority, GAO cites the popular view among bilingual advocates (e.g., Virginia Collier and James Cummings) that:

> [I]t may take 4 to 8 years to develop the language skills needed to perform on a par with native English-speakers in all core academic subject areas (reading, language arts, social studies, science, and mathematics).

In the same paragraph, the report acknowledged, "However, some researchers have concluded fewer years are needed." This addendum and accompanying footnote was a passing recognition by GAO of the research

of Dr. Christine Rossell and Dr. Keith Baker, who have argued for many years that research data show that English Immersion and similar programs are more effective in teaching ELL students than are bilingual education programs.

But GAO's statement about Dr. Rossell and Dr. Baker is embarrassingly wrong. Neither has ever concluded that fewer than 4 to 8 years are needed "to develop the language skills needed to perform on a par with native English-speakers in all core academic subject areas (reading, language arts, social studies, science, and mathematics." A quote from Dr. Rossell's article "Is One Year Enough?" highlights the inaccuracy of the GAO characterization of her position:

> What little research there is suggests that although it could take a decade for a student to reach the highest level of English language achievement they are capable of—with students who come to the U.S. at earlier grades reaching it sooner than students who enter in the later grades (Rossell 2000)—virtually all [ELL] students understand enough English sometime during the first year to be able to comprehend English instruction.[2]

Dr. Rossell has specifically pointed out in her writings that there are two separate issues: (1) How long does it take LEP students to learn sufficient English to participate in an English-speaking classroom?, and (2) How long does it take LEP students to "catch up" with their English-speaking peers in English language achievement? She has consistently stated that research shows that LEP students can and do learn sufficient English to participate in an English-speaking classroom within a relatively short period of time (i.e., one year or less). After achieving a sufficient level of English proficiency to understand the teachers' instructions in English, these students can then learn the required academic materials in English, which obviously entails learning new academic terms and concepts along with regular English speakers (who presumably don't know them either).

Thus, Dr. Rossell generally agrees that it may take several years for many LEP students to achieve full English language academic proficiency, but disagrees with the claim of bilingual education advocates that teaching these students in Spanish or any language other than English for 4-8 years has been shown to be necessary or effective in accelerating their academic accomplishments. The 4-8 year range has everything to do with how long bilingual advocates believe LEP students should be taught in a language other than English (i.e., bilingual education classes) and nothing to do with the amount of time LEP students should receive remedial assistance through the English language.

GAO listed the criteria that led to its selection of only 4 studies—out of 70—for analysis. The criteria included: (1) focus on the length of time children need to become proficient in English, (2) reach a specific conclusion about the length of time, (3) have English as the second language learned

by the students, and (4) involve original research supported by the data. (GAO report, p. 34) GAO did not explain why the application of its criteria yielded, for the most part, researchers who are strong advocates of long-term bilingual education programs (e.g, Virginia Collier, Wayne Thompson, and James Cummings).[3]

Perhaps GAO should have considered one more criterion—the accuracy and scientific integrity of the research. In 1998, Dr. Rossell, in her article "Mystery on the Bilingual Express," analyzed in some detail the Collier studies on the length of time LEP students should remain in alternative language programs and concluded that:

> [T]his [Collier] report consists primarily of theories of bilingual education and criticism of the scientific method. The methodology of the study is unscientific, as is the case with all of Virginia Collier's research.[4]

GAO compounded its errors as regards Rossell's and Baker's views by omitting from the report any explanation of their positions. Both are thoughtful, competent researchers who have rebutted with hard facts the so-called research of bilingual advocates. GAO is the nonpartisan investigative arm of Congress and Congress needs to hear the positions of both sides in any debate. The errors and omissions in this report, and the shallowness of the GAO analysis, call into question its nonpartisan status and substantially undermine its usefulness to Congress.

Approaches Used to Teach English Language Proficiency and Length of Time Students Remain in Such Programs

GAO described the two overall categories of educational approaches for teaching ELL students as:

(1) An English-based approach that "uses English and makes little use of a student's native language." GAO noted, "[P]roponents of an English-based approach expect children to learn English fairly quickly, in 2 to 3 years."

(2) A bilingual approach is designed to take much longer teaching English. GAO explained that, "While bilingual programs vary in both their goals and length, those programs that promote native-language literacy as well as English language literacy may take 5 to 7 years to complete."

What the GAO report does not provide to Congress is any useful analysis of the real-life differences between these two approaches—something that goes beyond the theories and spin to the practical issues of implementation.

For example, it would have been much more helpful for Congress to have

more factual information about key related issues such as:

- whether a large number of LEP students who are placed into bilingual classes must first be taught to speak and understand their native language well before being taught in English;
- whether learning to read first in a student's native language actually (not just theoretically) enhances learning to read in English (the 1997 National Research Council Report, *Improving Schooling for Language-Minority Children* found it did not);
- how large numbers of Asian students, who come to this country speaking no English, learn English quickly and then excel in schools and colleges in disproportionate numbers; and
- the logistical problems inherent in teaching bilingual education programs, including:
  - the acute shortage of bilingual teachers and the corresponding need for many large schools to recruit from foreign countries so-called bilingual teachers who speak English poorly;
  - the high level of segregation of LEP students from English-speaking students over a period of several years;
  - the burdens placed upon school administrators and bilingual education teachers to develop classroom materials in several languages; and
  - the fact that bilingual education programs delay for years teaching English to LEP students and keep them in bilingual education programs for years.

GAO might argue that Congress did not specifically ask for answers to these questions, but any responsible analysis would have included such information.

An even more inexplicable omission is GAO's failure to discuss California's Proposition 227 and its successes to date. Given the publication date of the GAO report (February 2001), there was ample time to review the widely published success stories and positive data coming out of California that showed remarkable and consistent test score gains statewide for ELL students. Ken Noonan, the superintendent of Oceanside Schools, who had previously supported bilingual education, decided after passage of Proposition 227 to wholeheartedly implement English immersion programs. A year later, his school district achieved national recognition because of the startling improvements in test scores of LEP students.

It is inexcusable for GAO to ignore the data from a state that enrolls 40

percent of LEP students in the nation. How can such "analysis of data" be taken seriously?

Furthermore, available data on both the types of programs that LEP students are enrolled in and the length of time the students stay in such programs are sketchy and unreliable. As stated below, GAO described the difficulty in obtaining solid data about the length of time students remain in either English-based or bilingual education programs:

> We found no national data on the length of time children with limited English proficiency actually spend in programs [aimed] at helping them become proficient in English. Thus, we contacted education agencies in 12 states ... Of the 12 states contacted, 6 had information on the length of time children with limited English proficiency spent in language assistance programs. [These were Arizona, Florida, Illinois, New Jersey, Texas, and Washington] (GAO, 20)

> California, with about 40 percent of the nation's students with limited English proficiency in 1996-97, did not have statewide data that could be used to determine how long children were spending in its programs. (GAO, 21)

Because of the lack of statewide data in California, GAO obtained time-in-program data for LEP students from four large California school districts—Los Angeles (5 years or more), San Francisco (5 years or less), Santa Ana (5 years or less), and San Diego (7 years or more). GAO appropriately cautioned: "Because of the limited number of states and school districts from which the data were drawn, these results should be interpreted cautiously." But this did not keep GAO from making its own sweeping conclusions, such as the sidebar in large caps and bold type that stated:

> Most Children in the Six States Reviewed Spend 4 Years or Less in Programs Aimed at Increasing English Proficiency (GAO, 20)

One wonders why GAO felt that particular conclusion should be highlighted, when the report contains information that, for example, 41 percent of LEP students in Arizona spent more than 5 years in such programs. Similarly, the pre–Proposition 227 data from Los Angeles and San Diego showed that LEP students remained in bilingual education programs for 5-7 years or more—and still could not function in English!

OCR Requirements and Interactions with School Districts

Instead of analyzing OCR's requirements and the procedures that are actually followed during school investigations, GAO accepted uncritically OCR's statements about what the law requires and its procedures. Information suggesting substantive contradictions between OCR's procedures and practices was routinely ignored.

For example, OCR provided GAO a flow chart (GAO, 11) that describes OCR's investigative process for both complaint and compliance review investigations. Two major steps in the "Investigation Phase" of the chart are clearly presented as "OCR Issues Letter of Findings" followed immediately by "OCR and District Sign Negotiated Agreement." GAO specifically stated that in the five cases that GAO reviewed in depth, OCR followed the Title VI investigative process listed in the flow chart. (GAO, 10) GAO also stated, "If OCR found a school district was **not in compliance** with the civil rights laws, it worked with the district to negotiate an agreement ..." (GAO, 10) But later in the report, GAO states that since 1995 OCR has "implemented a more cooperative approach to their reviews" and that "under this approach, **a letter of findings is issued only when problems remain unsolved"** (GAO, 12) (emphasis added).

There is a significant difference between finding a violation of the law (i.e. noncompliance) and finding "problems" with a school's procedures, a difference that GAO fails to explain. Furthermore, OCR cannot make a finding of a violation finding against a school district without first issuing a letter of findings, a practice the agency has virtually abandoned in the past several years. Finally, it is highly doubtful that OCR followed its procedures by issuing letters of findings of violations, as GAO stated, in the five cases that GAO reviewed in depth. At the very least, the apparent contradictions in these statements should have prompted a discussion about how OCR procedures were applied.

The GAO report also refers to the three relevant OCR policy documents issued in 1970, 1985, and 1991, correctly noting that the 1991 document specifically adopts a three-part test from the *Castaneda* court decision that set broad standards for determining "whether a school district has adopted a satisfactory method for teaching children with limited English proficiency." The report also correctly notes "OCR did not promulgate *Castaneda*'s requirements as regulations, instead setting them forth in policy documents." But the policy documents that OCR follows were intended to provide schools great flexibility in complying with Title VI. The GAO discussion does not raise questions about

- *How* OCR's interpretations of these policies changed to be more restrictive after 1992, or
- *Why* OCR has not published its requirements as regulations.

What was the point of Congress having GAO carry out this "investigation" if the results simply were to tell Congress what it already suspected?

Furthermore, the GAO report mentions in footnote 32 that "In December 1999, OCR made available another resource for **understanding title VI requirements**—*Programs for English Learners: Resource Materials for*

Planning and Self Assessments—available on the Internet" (emphasis added). But GAO's report provides no analysis of any information in the OCR guide, which spells out in chapter and verse many of the specific requirements that OCR has placed upon schools since 1992. (See the policy brief: "Federal Control Out of Control: The Office for Civil Rights' Hidden Policies on Bilingual Education" for an extensive analysis of OCR application of these requirements in 160 school systems.)[5]

OCR and GAO point to the *Lau* and *Castaneda* decisions as providing support for OCR's current practices in enforcing Title VI on this issue. But those decisions were based on far different facts than currently exist, and both decisions established broad principles. How could the courts anticipate the zeal of unbridled regulators to expand sub-regulatory requirements *ad infinitum*? It is highly doubtful that any federal court would look favorably on the intrusive regulatory activities of today's OCR.

OCR Currently Imposes Burdensome Requirements

There is substantial evidence that OCR continues to impose burdensome requirements on schools. A recent case illustrates OCR's efforts to require a school system in Southern California to agree to an onerous compliance agreement. In spite of numerous site visits and voluminous data requests by OCR, the case has remained unresolved for four years. OCR has never issued a letter of findings to the district, nor any other formal document specifying exactly where the district may have violated Title VI. Yet OCR repeatedly pressured district officials to sign a "resolution agreement" that would, for all practical purposes, place the district into receivership to OCR staff.

To their credit, school officials have not yet signed that agreement or any other with OCR, despite OCR pressure and the expenditure of more than $500,000 in legal fees. In late 2000, OCR offered the district a more condensed but equally intrusive agreement. One of the most egregious requirements in the condensed agreement read:

> The District will schedule periodic meetings between OCR representatives and individual school site resource teachers responsible for services to LEP students (and any other appropriate school or District staff members). At these meetings, the resource teachers will describe to OCR the criteria by which LEP students are placed with teachers, how LEP students are provided English language development (ELD) in comprehension, speaking, reading and writing and how they are provided simultaneous access to grade level curriculum . The resource teachers will also explain how mainstreamed LEP students are monitored and the outcomes of that monitoring.
>
> OCR will meet with the school site resource teachers from three to five schools in the District once each school year during the 2000-01 school year and during the 2001-02 school year. These schools will be selected from

> District Title I schools. At these meetings the discussion between OCR and the resource teachers will focus on the topics described in the preceding paragraph. By November 15, [2001,] OCR and the District will agree upon the specific schools that will be represented, and the schedule for the meetings, through good faith discussion.
>
> After each set of these meetings, OCR will provide the District with a written summary of observations. The District and the OCR shall meet and discuss this item but in all respects the District shall retain its discretion to implement sound education programs and goals consistent with local resources, community needs, and Title VI.

It is difficult to square such OCR intrusiveness into local school concerns with legitimate enforcement of the civil rights laws. Should Congress assume that OCR staff are qualified to make judgments about whether the procedures schools are following in teaching LEP students are correct? Neither Title VI nor any court decisions provide OCR with such specific authority. GAO's failure to bring OCR to task on such matters amounts to a dereliction of its duty to provide a complete and honest accounting to Congress.

GAO Downplayed Data from School Officials That Criticized OCR's Practices

GAO offered districts the opportunity to evaluate OCR's activities and received responses to such inquiries from 245 school districts. In its analysis of these data, GAO emphasized positive responses and downplayed data that were critical of OCR. For example, the sidebar conclusion at the bottom of page 24 announced, in large, bold type:

> OCR Staff Generally Did Not Pressure Districts to Adopt a Bilingual Approach and Were Courteous and Professional

The discussion about OCR's interactions with school districts declared:

> Over three-fourths of the school districts responding to our survey (77 percent) reported that when investigating cases OCR staff did not appear to favor bilingual education over English-based instruction.

But put another way, we learn that in 40 school systems (23 percent, or almost one in four cases), OCR did give the appearance of favoring bilingual education programs. That should have been a major concern for GAO, but it was not. Apparently, GAO felt it was generally okay for OCR to pressure only 40 school systems to adopt bilingual education programs. This is an interesting perspective given OCR's often-declared policy that schools may adopt any expert-based program to meet Title VI requirements.

GAO Structured Its Survey and Report to Minimize Criticisms of OCR

The GAO report states, on page 29:

> As part of our survey, we gave school district officials the opportunity to make suggestions on how OCR could improve its investigation procedures and to offer any additional comments about OCR's investigation of their school district. Of the 245 questionnaires returned by school districts, almost half (47 percent) contained comments on what OCR could do to be more effective or improve its investigative process, and over half (53 percent) made additional comments about OCR's investigation of their school district. Although district officials generally reported positive interactions between their school district and OCR, **some respondents commented on the type of problems they encountered during OCR's investigation process.** Several of the problems reported in the survey comments also surfaced in our case investigations. (emphasis added).

This language masks the scope and degree of complaints that school districts recorded against OCR. On page 29, GAO assigned complaints from school districts to seven categories: (1) OCR "applied pressure"; (2) OCR's communications were untimely or inadequate; (3) districts lacked sufficient resources to address problems; (4) OCR made burdensome data requests; (5) OCR investigators lacked educational expertise in a variety of areas; (6) OCR was not clear enough about case closure practices; and (7) state and federal requirements differed.

What GAO did not report is that a total of 195 complaints were made by the responding school districts. It is also significant that school officials voiced so many complaints even though GAO failed to provide an appropriate survey model for registering such complaints.GAO chose to use a general, open-ended approach that is more suitable for a technical assistance report than for a serious audit. GAO then failed to provide any meaningful followup or analysis of these problems.

GAO Accepted Bureaucratic Responses from OCR to the Serious Concerns Raised by School Officials

GAO relied exclusively on a series of non-responsive answers from OCR to dismiss the legitimate (and uninvestigated) concerns of school officials. For example, in response to districts' concerns that "OCR applied pressure," OCR stated:

> Although OCR is increasingly working in collaboration with school districts and reviews are now partnership oriented, it is still OCR's responsibility to ensure that school districts comply with the law. (GAO, 30)

Such a response is justified when there are specific violations of clearly enunciated legal standards. However, under the circumstances, the same ones that led Congress to request this investigation, OCR's response reveals

its Orwellian character.

Furthermore, when responding to a very real complaint that "Districts lacked sufficient resources to address problems," OCR states:

> Serving students with limited English proficiency takes time and costs money. OCR attempts to be flexible with school districts. For example, in the negotiated agreements, OCR gives school districts time to hire necessary qualified teachers. In some cases, OCR has worked with universities to put teacher-training programs into place; it has also worked to increase certification opportunities for teachers. (GAO, 30)

This dismissive statement exemplifies the total disregard OCR shows for real life, that is, for facts that do not fit neatly into its computer-programmed corrective action plans.

OCR provided similar non-responsive answers to the other school officials' concerns, but perhaps the most insulting response to educators was to the complaint that "OCR investigators lacked educational expertise in a variety of areas." To that very legitimate criticism, OCR responded:

> OCR is addressing this issue through conferences for OCR enforcement staff. OCR has established employee groups organized by subject matter to discuss policy and legal decisions related to students with limited English proficiency. Through these groups, guest speakers and other resources are now readily available. In addition, the Lau Articulation Project produced a list of educational resources that OCR enforcement staff use. (GAO, 30)

It is remarkable that OCR's responses in this and other areas failed to raise the investigative curiosity of the GAO auditors. For example, GAO does not mention or did not bother to find out that OCR investigators come from a broad scope of educational backgrounds. A few are former educators; some have advanced degrees and other professional credentials. **But a significant number of OCR investigators lack a college degree, and some do not even have a high school education.** Nor did GAO show any curiosity about the backgrounds of people allegedly providing training to OCR staff on educational programs for LEP students. It is common knowledge in OCR that its staff seek and receive advice on these matters almost exclusively from advocates for bilingual education programs.

It is difficult to choose which of OCR's responses was the most disingenuous, but the agency's answer to schools' concerns that "OCR made burdensome data requests" is a likely contender:

> OCR is refining its approach to data requests. Having moved to the Case Resolution Manual, OCR's emphasis is now on resolving compliance issues in partnership with school districts instead of on making findings. This often results in less burdensome data requests. (GAO, 30)

OCR adopted the Case Resolution Manual in early 1994. How can OCR credibly claim that a 1994 procedural change is just now being used to resolve complaints about overly burdensome data requests that have aris-

en in the year 2000? How can GAO accept such a meaningless response? The GAO report does admit that 22 school districts complained about OCR's burdensome data requests and "One [school] official reported that it took over 600 staff-hours to collect the data requested by OCR," but provides no analysis about the severity of these complaints. (GAO, 29)

GAO gave similar superficial treatment to the remaining areas in which school officials expressed concerns: "OCR's communications were untimely or inadequate" and "OCR was not clear enough about case closure practices." In fact, there is no indication in the GAO report that GAO investigators followed up with any of the school officials who expressed serious concerns about OCR's procedures.

GAO's Conclusions About OCR's Practices Are Superficial and Biased

In its **Concluding Observations** section, the GAO report placed the final coat of whitewash on its "investigation" of OCR's activities:

> [G]uidance from OCR provides the framework and standards that school officials must meet to ensure that students with limited English proficiency have a meaningful opportunity to participate in public education. **School districts have the flexibility to select methods of instruction** that they deem will produce the best results for their students, **so long as they meet OCR requirements** (emphasis added). (GAO, 31)

The congressional request for the GAO investigation was triggered in part because of serious questions about the standards OCR uses and the requirements the agency imposes. The GAO report does not attempt to clarify those standards and ignores or excuses OCR's burdensome "corrective" requirements. GAO carelessly assumes that these sub-regulatory requirements "ensure that students with limited English proficiency have a meaningful opportunity to participate in public education."

Finally, GAO concludes: "There have been some problems, however, with OCR's working relationships with districts, which OCR acknowledges and is taking steps to improve." (GAO, 31)

This single reference to OCR's "problems" glosses over the civil rights agency's high-handed interpretation of the laws. These laws should never have been construed to allow OCR such extraordinary powers over local school programs, giving investigative staff a free hand to judge and direct local school decisions. Does GAO buy into the notion that to criticize OCR's practices is to be against civil rights enforcement? This wrong and shortsighted view deprives Congress of essential information as that legislative body considers enacting reforms. It may also result in trapping yet another generation of LEP students in failed programs.

Endnotes

[1]U.S. General Accounting Office. (February 2001) Public education: Meeting the needs of students with limited English proficiency. (GAO-01-226) Washington, D.C.

[2]Rossell, Christine H. (2000) "Is one year enough?" *The ABC's of English immersion: A teacher's guide.* Washington, D.C: Center for Equal Opportunity.

[3]James Cummings, "Age on arrival and immigrant second language learning in Canada: A reassessment," Applied Linguistics, Vol. 11, No. 2 (summer 1981); Virginia P. Collier, "Age and rate of acquisition of second language for academic purposes," TESOL Quarterly; Virginia P. Collier and Wayne P. Thomas, "How quickly can immigrants become proficient in school English?" The Journal of Educational Issues of Language Minority Students; and Harold Klesmer, "Assessment and teacher perceptions of ESL student achievement," *English Quarterly.*

[4]Rossell, Christine H. (1998). Mystery on the bilingual express: A critique of the Thomas and Collier study. *READ Perspectives,* 6 (2): 5-32. Washington, D.C.: The READ Institute.

[5]Littlejohn, Jim. (1998). Federal control out of control: The Office for Civil Rights' hidden policies on bilingual education. Washington, D.C.: Center for Equal Opportunity.

About the Authors

JOHN R. CORREIRO is Director of Collaborative Leadership for the Northeast and Islands Regional Educational Collaborative, a program of The Education Alliance at Brown University. In his 38 years in public education, he has held various positions, from sixth grade teacher to superintendent of the Fall River, Massachusetts, public schools. He has served on many state and regional commissions concerned with the education of language minority students.

JIM LITTLEJOHN was on the staff of the U.S. Department of Education's Office for Civil Rights (OCR) from 1969 to 1996, where he pioneered civil rights investigations on federal requirements related to Limited English Proficient (LEP) students. From 1981 to 1996, Mr. Littlejohn held key policy and management positions in OCR and, for many years, was the primary author and interpreter of OCR policies for schools enrolling LEP students. Currently he is an education equity consultant.

SUSAN E. PHILLIPS has published and lectured extensively on legal issues in student assessment. She is a consultant to several state departments of education on the psychometric and legal issues related to the defensibility of high-stakes assessment and has served as an expert witness in these areas in several court cases.

ROSALIE PEDALINO PORTER is the author of *Forked Tongue: The Politics of Bilingual Education* (Basic Books, 1990; *2nd edition* Transaction Publishers, 1995) and is the editor of *READ Perspectives*, a refereed journal published by the Institute for Research in English Acquisition and Development (READ) in Sterling, Virginia. She has lectured on education policy for language minority students on behalf of the U.S. State Department in Bulgaria, Finland, Israel, Italy, Japan and Turkey.

CHRISTINE H. ROSSELL is a professor of political science at Boston University. She has published and lectured extensively in the areas of school desegregation and bilingual education and has served as an expert witness in many court cases in both fields. Her most recent book, *Bilingual Education in Massachusetts: The Emperor Has No Clothes,* was published in 1996 by Pioneer Institute of Boston.

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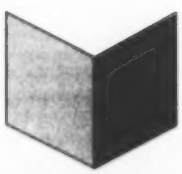

CEO

READ Institute
Center for Equal Opportunity
14 Pidgeon Hill Drive
Suite 500
Sterling, VA 20165
Phone (703) 421-5443
Fax (703) 421-6401
http://www.ceousa.org